IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. :   11/360,087

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Applicant: Jeff S. Eder

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Art Unit: 3696

Examiner: Ella Colbert

Docket No.:   AR - 83

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.182

On January 7, 2011, a Petition was filed under 37 CFR 1.182 on behalf of Asset Reliance, Inc. dba Asset Trust (hereinafter "ARI"), seeking relief from two large general problems at the U.S.P.T.O. Specifically, an apparently pervasive lack of the skill in the relevant arts required to complete consistent statutory patent examinations and an apparent systemic bias in favor of large corporations. Addendums to the Petition were filed March 1, 2011, August 31, 2011 and October 17, 2011.

On August 31, 2012, a response to the Petition signed on behalf of Greg Vidovich, Director, Patent Technology Center 3600 (hereinafter "the dismissal") dismissed the Petition by reclassifying the Petition as a petition under 37 CFR 1.181, stated that there were established mechanisms for dealing with the issues raised in the Petition, and that the request for suspension of prosecution was improper.

The Assignee requests reconsideration of the Petition filed under 37 CFR 1.182 on January 7, 2011, as amended, as the reclassification from 37 CFR 1.182 to 1.181 was improper under 37 CFR 1.181 and for other reasons detailed below.

The reclassification and dismissal of the January 7, 2011 Petition, as amended, from 37 CFR 1.182 to 37 CFR 1.181 was and is improper because:

a) The dismissal attempts to reduce the large general problems identified in the Petition to two of the apparent symptoms of these problems that could be addressed through established mechanisms (if the larger problems are ignored). In the medical field this would be equivalent to a doctor refusing to treat leukemia because fever symptoms can be treated with aspirin, pain symptoms can be treated with oxycodone and blood related symptoms can be treated with transfusions.

Furthermore, the dismissal is incorrect in its assertion that the unwarranted rejection of ARI applications (one of the symptoms) described in the Petition can be addressed through the appeal process. It is well established that the appeal process is in place to review patent applications that have been examined and rejected two or more times. As documented in the January 7, 2011 Petition, as amended, the U.S.P.T.O. does not appear to have the ability to consistently examine patent applications a single time, let alone twice for the classes where ARI applications are assigned.

It is also well established that decisions on patent application appeals require substantial evidence in accordance with the APA. In accordance with existing statutes, rules and precedents, patent application review papers prepared by individuals who do not have an average or ordinary level of skill in the art expressing opinions regarding claim interpretation, invention utility, written description completeness, claim definiteness and/or novelty do not constitute evidence, and as such cannot provide a statutory basis for any appeal decision or proceeding.

The dismissal is also incorrect in its assertion that the improper allowance of patents to large corporations (the second symptom) can be addressed through the re-examination process. The re-examination process was and is designed to be a process for reviewing patents that have been examined and issued in accordance with the existing statutes, rules and precedents. As documented in the January 7, 2011 Petition, as amended, the U.S.P.T.O. does not appear to have the ability to consistently examine patent applications for the classes where these patents are assigned, so a complete examination of said applications appears to be required.

Reclassification from 1.182 to 1.181 and dismissal was improper because the mechanisms identified in the dismissal as solutions to the problems identified in the Petition were not designed to address the problems identified in the Petition and cannot provide the requested relief. The only mechanism for properly addressing the large general problems identified in the Petition is providing the requested relief as amended herein under 37 CFR 1.182.

b) The dismissal completely ignores several other aspects of the large general problem identified in the Petition and apparently attempts to reduce the large general problem to two symptoms that can be corrected by established mechanisms discussed in a) above, and as such it improper. The dismissal is based on an apparent attempt to ignore identified symptoms of the two large general problems that do not have well established processes for resolution.

For example, the Petition documented the fact that ARI applications are routinely rejected for non-statutory subject matter by Examiners who issue patents to large corporations for inventions that produce the same or very similar results. ARI submitted amendment/reply documents in September 2012 that show that over a year and a half after the Petition was filed, that the now

well-documented apparent discrimination against ARI applications is still a problem. Other aspects of the large general problem that were ignored include 1) apparent rule violations by Examiners that are used to support claim rejections and/or unilateral declarations of abandonment; 2) written description rejections authored by individuals with an apparently well-documented lack of the requisite level of skill in the relevant arts; and 3) attempts to impose a non-existent strict antecedent basis on the specifications and claims of ARI patent applications.

Reclassification from 1.182 to 1.181 and dismissal was improper because the only mechanism for properly addressing all of the identified symptoms of the large general problems identified in the Petition is providing the requested relief as amended herein under 37 CFR 1.182.

c) The proposed solutions contained in the dismissal appear to be inequitable and appear to place heavy financial and timeliness burdens on ARI in order to compensate for an apparent failure to provide an organization capable of consistently prosecuting patent applications objectively in accordance with the relevant statutes, rules and precedents.

Reclassification from 1.182 to 1.181 and dismissal was improper because the only mechanism for providing an equitable solution to all the identified symptoms of the large general problems identified in the Petition is providing the requested relief as amended herein under 37 CFR 1.182.

d) The proposed solutions contained in the dismissal apparently fail to provide ARI and the ARI patent applications with the Constitutionally mandated equal protection under the law.

Reclassification from 1.182 to 1.181 and dismissal was improper because the only mechanism for providing ARI and the ARI patent applications with equal protection under the law is providing the requested relief as amended herein under 37 CFR 1.182.

Dismissal of the January 7, 2011 Petition under 37 CFR 1.181 was improper because:

1) It implicitly attempts to characterize the rejection of ARI patent applications as rejections of the type that are normally supposed to occur during patent prosecution. In making this attempt, the respondent appears to have failed to properly consider the role the U.S.P.T.O. is supposed to play in patent examination and to properly consider the apparent contents of the papers used to support the rejection of ARI patent applications. In particular, the arguments contained in many if not all rejections of ARI patent applications appear to make it clear that the personnel at the U.S.P.T.O. do not have the level of skill required to consistently complete a statutory patent examination. In a similar manner, the allowance of many large corporation patent applications also appears to make it clear that the personnel at the U.S.P.T.O. do not have the level of skill required to consistently complete a statutory patent examination for a number of classes.

Under the prevailing statutes, rules and precedents, applications are supposed to have their claims interpreted, their utility assessed, the novelty evaluated, and the written description reviewed by someone of average or ordinary skill in the art. The person of average or ordinary skill in the art is a hypothetical person who is presumed to have known the relevant art at the time of the invention. (In re GPAC, 57 F.3d 1573, 1579, 35 USPQ2d 1116, 1121 (Fed. Cir.

1995); Custom Accessories, Inc. v. Jeffrey-Allan Industries, Inc., 807 F.2d 955, 962, 1 USPQ2d 1196, 1201 (Fed. Cir. 1986); Environmental Designs, Ltd. V. Union Oil Co., 713 F.2d 693, 696, 218 USPQ 865, 868 (Fed. Cir. 1983. It is also well established that the "hypothetical 'person having ordinary skill in the art'… would, of necessity have the capability of understanding the scientific and engineering principles applicable to the pertinent art" Ex parte Hiyamizu, 10 USPQ2d 1393, 1394 (Bd. Pat. App. & Inter. 1988.

Any review of a patent application by an individual who lacks the requisite level of skill in the art carries no weight in a statutory patent examination. The narrative below provides one hundred three (103) examples of actions taken by U.S.P.T.O. personnel that appear to provide evidence of a lack of the requisite level of skill in the relevant arts. Two hundred three (203) examples could easily be provided.

The evidence of an apparent lack of an average or ordinary level of skill in the art comes from three sources, a) the rejection of Asset Reliance (hereinafter "ARI") applications on the basis of well-known prior art that appears to have no relevance to the claimed inventions; b) the allowance and issue of patents to large corporations for "inventions" that do not appear to be novel when well-known prior art is properly considered; and c) the allowance and issue of patents for "inventions" that are based on methods that are well-known by those of average skill in the art to have no utility.

1a) The material below identifies fifty one (51) recent instances where the rejection of an ARI patent application on the basis of prior art that is well-known to those of average skill in the art that had/has no relevance to the inventions claimed by ARI. These fifty one (51) instances provide evidence of an apparent lack of an average or ordinary level of skill in the art of the personnel reviewing ARI patent applications. The table below provides a summary of the evidence described in this section.

Irrelevant, well-known prior art:	Number of instances	Number of instances after Petition filed
Arbitrage Pricing Theory	13	7
Capital Asset Pricing Model	13	7
Induction	3	2
Predictive Modeling	14	11
Scoring	1	1
Value at Risk	7	3
Total	51	31

Arbitrage Pricing Theory (APT) - Arbitrage Pricing Theory (APT) is a one-period model in which preclusion of arbitrage over static portfolios of assets leads to a linear relation between the expected return and its covariance with the factors. The security market line (SML) is a line that graphs the systematic, or market, risk versus return of the whole market. The SML diagram contains the seeds of the Arbitrage Pricing Theory. Like the CAPM, APT argues that discount rates are based upon the systematic risk exposure of the security, as opposed to the total risk.

Evidence of an apparent lack of skill the relevant arts can be found in the following documents prepared by personnel in TC 3600 that cited a reference that teaches APT:

A1 thru A7) Office Actions dated June 18, 2008, February 6, 2009, May 25, 2010, December 23, 2010, March 31, 2011, October 26, 2011 and May 2, 2012 for ARI application 11/278,419 cited a reference (5,812,988) that teaches the APT in an attempt to obviate an invention for using scenario simulation to assess total value and risk for a portfolio. The portfolio value and risk were evaluated by segment of value and the segments included a market sentiment segment of value. No one of average skill in the art would ever attempt to use a reference that teaches APT to reject the claims that define the invention described in application 11/278,419 as APT:

i) specifically teaches away from the analysis of non-market risk included therein;

ii) specifically teaches away from modeling and analyzing a market sentiment segment of value; and

iii) specifically teaches away from using scenarios to assess total value and risk – the relationship between the two is defined by a security market line (kindly note: the reference did not mention the word scenario).

A8) an Office Action dated February 1, 2012 for ARI application 09/688,983 cited a reference (5,812,988) that teaches the APT in an attempt to obviate an invention for using scenario simulation to assess total risk for an enterprise and identify the risk management activities that optimize value using the results of the simulation. The enterprise risk is evaluated by category of value and includes a market sentiment category of value. No one of average skill in the art would ever attempt to use a reference that teaches APT to reject the claims that define the invention described in application 09/688,983 as APT:

i) specifically teaches away from the analysis of non-market risk included therein;

ii) specifically teaches away from modeling and analyzing a market sentiment category of value; and

iii) specifically teaches away from using scenarios to assess the relationship between value and risk – the relationship between the two is defined by a security market line (kindly note the reference did not mention the word scenario).

A9 thru A13) Office Actions dated August 17, 2009, June 10, 2010, March 9, 2011, June 27, 2011 and February 22, 2012 for ARI application 12/271,846 cited a reference (5,812,988) that teaches the APT in an attempt to obviate an invention for using scenario simulation to assess total value and risk for an enterprise. The enterprise value and risk were evaluated by category of value and the categories included a market sentiment category of value. No one of average skill in the art would ever attempt to use a reference that teaches APT to reject the claims that define the invention described in application 12/271,846 as APT:

i) specifically teaches away from the analysis of non-market risk included therein;

ii) specifically teaches away from modeling and analyzing a market sentiment category of value; and

iii) specifically teaches away from using scenarios to assess total value and risk – the relationship between the two is defined by a security market line (kindly note the reference did not mention the word scenario).

Capital Asset Pricing Model (CAPM) and Efficient Market Hypothesis (EMH) - is used to determine a theoretically appropriate required rate of return of an asset, if that asset is to be added to an already well-diversified portfolio, given that asset's non-diversifiable risk (also known as systematic risk or market risk), often represented by the quantity beta (β) in the financial industry, as well as the expected return of the market and the expected return of a theoretical risk-free asset. CAPM uses a security market line to graph the results from the CAPM formula. Evidence of an apparent lack of skill the relevant arts can be found in the following documents prepared by personnel in TC 3600 that cited a reference that teaches CAPM:

B1 thru B7) Office Actions dated June 18, 2008, February 6, 2009, May 25, 2010, December 23, 2010, March 31, 2011, October 26, 2011 and May 2, 2012 for ARI application 11/278,419 cited a reference (5,812,988) that teaches CAPM in an attempt to obviate an invention for using scenario simulation to assess total value and risk for a portfolio. The portfolio value and risk were evaluated by segment of value and the segments included a market sentiment segment of value. No one of average skill in the art would ever attempt to use a reference that teaches CAPM to reject the claims that define the invention described in application 11/278,419 as CAPM:

i) specifically teaches away from the analysis of non-market risk included therein;

ii) specifically teaches away from modeling and analyzing a market sentiment segment of value;

iii) specifically teaches away from using scenarios to assess total value and risk – the relationship between the two is defined by a security market line (the reference did not mention the word scenario); and

iv) specifically teaches away from using scenarios to assess total value and risk as focus of CAPM is based entirely on mean returns and mean variance.

B8) an Office Action dated February 1, 2012 for ARI application 09/688,983 cited a reference (5,812,988) that teaches CAPM in an attempt to obviate an invention for using scenario simulation to assess total risk for an enterprise and identify the risk management activities that optimize value using the results of the simulation. The enterprise risk is evaluated by category of value and includes a market sentiment category of value. No one of average skill in the art would ever attempt to use a reference that teaches CAPM to reject the claims that define the invention described in application 09/688,983 as CAPM:

i) specifically teaches away from the analysis of non-market risk included therein;

ii) specifically teaches away from modeling and analyzing a market sentiment category of value;

iii) specifically teaches away from using scenarios to assess the relationship between value and risk – the relationship between the two is defined by a security market line (the reference did not mention the word scenario); and

iv) specifically teaches away from using scenarios to assess total value and risk as focus of CAPM is based entirely on mean returns and mean variance.

B9 thru B13) Office Actions dated August 17, 2009, June 10, 2010, March 9, 2011, June 27, 2011 and February 22, 2012 for ARI application 12/271,846 cited a reference (5,812,988) that teaches CAPM in an attempt to obviate an invention for using scenario simulation to assess total value and risk for an enterprise. The enterprise value and risk were evaluated by category of value and the categories included a market sentiment category of value. No one of average skill

in the art would ever attempt to use a reference that teaches CAPM to reject the claims that define the invention described in application 12/271,846 as CAPM:

i) specifically teaches away from the analysis of non-market risk included therein;

ii) specifically teaches away from modeling and analyzing a market sentiment category of value;

iii) specifically teaches away from using scenarios to assess total value and risk – the relationship between the two is defined by a security market line (the reference did not mention the word scenario); and

iv) specifically teaches away from using scenarios to assess value and risk as CAPM is based entirely on the analysis of mean returns and mean variance.

Induction – All Asset Reliance patents and patent applications describe inventions that utilize induction algorithms or causal models as one stage of an automated, multi-stage process that transforms data into predictive models. Evidence of an apparent lack of skill the relevant arts can be found in the following documents prepared by personnel in TC 3600 that cited a reference that teaches induction and/or inductive processes:

C1 thru C3) Office Actions dated September 30, 2010, March 30, 2011 and May 1, 2012 for ARI application 10/743,417 that cited a reference (4,414,629) that teaches inductive processes in an attempt to obviate an invention for using induction to develop predictive models. No one of average skill in the art would ever attempt to use a reference that teaches the use of inductive process described therein to reject the claims that define the invention described in application 10/743,417 as:

i) the inductive process described therein specifically teaches away from the use of transformed data in models;

ii) the inductive process described therein specifically teaches away from the use of transformed data in models by teaching the use of data substitution; and

iii) the inductive process described therein specifically teaches away from the use of transformed data in models by teaching the use of data transposition.

Predictive Modeling - All Asset Reliance patents and patent applications describe inventions that utilize an automated, multi-stage process that transforms data into predictive models of components of value (revenue, expense or capital change), categories of value (current operation and market sentiment) and/or segments of value (current operation, derivatives, investments and/or market sentiment). The predictive models identify the impact of one or more elements of value on the value of the component, category or segment of value or they identify the impact of one or more elements of value and one or more external factors on the value of the component, category or segment of value. Elements of value are comprised of single entities of a group of entities if there is more than one of the same type of entity (i.e., two buildings). Evidence of an apparent lack of skill the relevant arts can be found in the following documents prepared by personnel in TC 3600 that cited various references in an attempt to obviate the claims for predictive model development contained in various ARI patent applications:

D1) An Office Action dated June 17, 2011 for ARI application 10/237,021 that cited a reference (U.S. Patent Application 2003/018239) that teaches the use of an entity relationship diagram in an attempt to obviate an invention for developing linear or nonlinear predictive models by

learning from the data. No one of average skill in the art would ever attempt to use a reference that teaches the use of inductive process described therein to reject the claims that define the invention described in application 10/237,021 as an entity relationship diagram is not a predictive model of any type.

D2 thru D8) Office Actions dated June 17, 2008, November 17, 2008, October 4, 2010, March 28, 2011, June 21, 2011, August 5, 2011 and May 3, 2012 for ARI application 10/750,792 that cited a reference (5,812,988) that teaches the use of APT and CAPM in an attempt to obviate an invention for developing predictive models that identify the impact of elements of value on the value of the categories of value. The categories of value include a market sentiment category of value. No one of average skill in the art would ever attempt to use a reference that teaches the use of APT and/or CAPM to reject the claims that define the invention described in application 10/750,792 as:

i) APT and CAPM both teach item level analysis which specifically teaches away from the analysis of elements of value which comprise groups of items;

ii) APT and CAPM both specifically teach away from a model of value where the elements of value drive the value of the components of value as they both teach that the value of a plurality of items is comprised of the combined value of a plurality of individual items; and

iii) APT and CAPM both specifically teach away from the existence of a market sentiment category of value as both rely on an assumption that market sentiment (as defined in the application) does not exist.

D2 thru D8) Office Actions dated June 17, 2008, November 17, 2008, October 4, 2010, March 28, 2011, June 21, 2011, August 5, 2011 and May 3, 2012 for ARI application 10/750,792 that cited a reference (5,812,988) that teaches the use of APT and CAPM in an attempt to obviate an invention for developing predictive models that identify the impact of elements of value on the value of the categories of value. The categories of value include a market sentiment category of value. No one of average skill in the art would ever attempt to use a reference that teaches the use of APT and/or CAPM to reject the claims that define the invention described in application 10/750,792 as:

i) APT and CAPM both teach item level analysis which specifically teaches away from the analysis of elements of value which comprise groups of items;

ii) APT and CAPM both teach away from a model of value where the elements of value drive the value of the components of value as they both teach that the value of a plurality of items is comprised of the combined value of a plurality of individual items; and

iii) APT and CAPM both teach away from the existence of a market sentiment category of value as both rely on an assumption that market sentiment (as defined in the application) does not exist.

D9 thru D14) Office Actions dated May 9, 2006, January 3, 2007, January 9, 2008, October 4, 2010, April 13, 2011 and October 11, 2011 for ARI application 09/761,670 that cited a reference (5,812,988) that teaches the use of APT and CAPM in an attempt to obviate an invention for developing predictive models that identify the impact of elements of value on the value of the components of value. No one of average skill in the art would ever attempt to use a reference that teaches the use of APT and/or CAPM to reject the claims that define the invention described in application 09/761,670 as:

i) APT and CAPM both teach item level analysis which teaches away from the analysis of elements of value which comprise groups of items; and

ii) APT and CAPM both teach away from a model of value where the elements of value drive the value of the components of value as they both teach that the value of a plurality of items is comprised of the combined value of a plurality of individual items.

Scoring – Scoring is a well-known method of classifying assets, individuals and information using a "score" that is comprised of the combined total of a number of indicators. The best known application of scoring is probably credit scoring whereby each individual receives a score based on payment history, income, etc. that is used in setting credit limits on credit cards. Evidence of an apparent lack of skill the relevant arts can be found in the following documents prepared by personnel in TC 3600 that cited a reference that teaches scoring:

E1) An Office Action dated December 12, 201 for ARI application 12/684,954 that cited a reference (7,269,734) that teaches the use of scoring in an attempt to obviate an invention for developing predictive models that identify the impact of elements of value and external factors on the value of the segments of value. The segments of value include a derivative segment of value, an investment segment of value, market sentiment category of value and optionally a real option segment of value. No one of average skill in the art would ever attempt to use a reference that teaches the use of scoring to reject the claims that define the invention described in application 12/684,954 as:

i) scoring comprises a method for classification and as such teaches away from the claimed use of predictive models regression;

ii) scoring comprises a method for item level analysis and as such teaches away from the analysis at the group level (i.e., element of value level); and

iii) scoring does not teach or suggest anything about identifying the impact of elements of value or external factors on anything.

Value at Risk (VaR) – VaR is a widely used measure of the risk of loss on a specific portfolio of financial assets. For a given portfolio, probability and time horizon, VaR is defined as a threshold value such that the probability that the mark-to-market loss on the portfolio over the given time horizon exceeds this value (assuming normal markets and no trading in the portfolio) is the given probability level. For example, if a portfolio of stocks has a one-day 5% VaR of $1 million, there is a 0.05 probability that the portfolio will fall in value by more than $1 million over a one day period if there is no trading. Informally, a loss of $1 million or more on this portfolio is expected on 1 day in 20. Evidence of an apparent lack of skill the relevant arts can be found in the following documents prepared by personnel in TC 3600 that cited a reference that teaches VaR:

F1 thru F7) Office Actions dated June 18, 2008, February 6, 2009, May 25, 2010, December 23, 2010, March 31, 2011, October 26, 2011 and May 2, 2012 for ARI application 11/278,419 cited a reference (6,278,981) that teaches VaR in an attempt to obviate an invention for using scenario simulation of predictive models to assess total value and risk for a portfolio. The portfolio value and risk were evaluated by segment of value, element of value and external factor. No one of

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average skill in the art would ever attempt to use a reference that teaches VaR to reject the claims that define the invention described in application 11/278,419 as VaR:

i) specifically teaches away from the identification of risk by segment of value;

ii) specifically teaches away from the identification of risk by element of value; and

iii) specifically teaches away from the identification of risk by external factor.

1b) The material below identifies forty nine (49) examples where large corporations appear to have received patents for "inventions" that are not novel when well-known" prior art is properly considered (kindly note this same material may also be used as evidence of a profound bias in favor of large corporations).

1) "Experiences of Developing and Deploying a Context-Aware Tourist Guide: The GUIDE Project, MOBICOM 2000, Boston, MA, pg. 20-31" (hereinafter "Cheverst or GUIDE") is well-known to those of average skill in the art. Among other things, Cheverst teaches the use of a fixed set of responses to expected situations to guide the tourists in a city and the development of a map of the best route for touring the city (see Cheverst, Figure 4).

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O did not consider Cheverst to be relevant to an application filed on behalf of MapQuest (10/330,563) which teaches the development of a detailed route map. The application matured into U.S. Patent 7,474,960 (MapQuest). A table containing a representative claim and the well-known prior art (GUIDE) that was apparently not considered is shown below.

Claim map for 7,474,960 and GUIDE	
A computer-implemented method for presenting a route, the method comprising:	*GUIDE teaches a computer implemented method for using a fixed set of responses to help visitors identify the best route for touring a city (see GUIDE, page 1)*
accessing route information for a route that includes an origin location and a destination location;	*GUIDE teaches accessing route information for a route that includes an origin location and a destination location (see GUIDE Figure 4, page 4)*
generating a context map that includes the origin location, the destination location, and a route between the origin location and destination location;	*GUIDE teaches the development of a context map that includes the origin location, the destination location, and a route between the origin location and destination location (see GUIDE Figure 4, page 4 and section 3.4.2 on page 4)*
identifying maneuvers that are within a predetermined distance from one another; generating, based at least in part on the identified maneuvers that are within a predetermined distance from one another, at least one detail map which is associated with the context map and includes a portion of the	*GUIDE teaches an application that uses 120 location/navigation point objects and 280 relationship objects to perform route guidance calculations. The navigation objects represent waypoints (maneuver locations) between locations and presents the tour in stages. GUIDE also teaches the*

route such that the detail map includes at most one of the origin location or the destination location and the identified maneuvers;	use of location tags that can be used to determine the distance between identified locations and maneuvers (see GUIDE Information Model, pages 6 and 7).
enabling generation of a graphical user interface which includes the context map and the detail map generated based on the identified maneuvers that are within a predetermined distance from one another such that at least a portion of the route is concurrently included in both the context map and the detail map; and	GUIDE teaches the generation of a graphical user interface which includes the context map (see GUIDE Figure 4, page 4)
enabling displaying of the generated graphical user interface on a display associated with the user system.	GUIDE teaches the display of the generated graphical user interface on a display in a user system (see GUIDE, Figure 8, page 7 and section 4.3, page 8).

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/330,563 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

2) "SEmantic portAL - The SEAL approach, March 27, 2001, pg. 1-27" (hereinafter "SEAL") is well-known to those of average skill in the art. Among other things, SEAL teaches the use of semantic similarity measure to support information retrieval.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O. did not consider SEAL to be relevant to an application filed on behalf British Telecom (10/573,192) that relies on semantic similarity measures to support information retrieval. The application matured into U.S. Patent 7,644,047. It is also worth noting at this point that there are a large number of other issued patents that appear to be invalid for failing to consider SEAL. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,644,047 and SEAL	
1. A computerized method for determining the semantic similarity of words in a plurality of words selected from a set of one or more documents, for use in the retrieval of information in an information system, comprising the steps of:	SEAL teaches that searching and querying is performed via a query module. In addition, the user can ... rank retrieved results according to semantic similarity (see SEAL, paragraph 4, page 10).
(i) for each word of said plurality of words: (a) identifying, in documents of said set of one or more documents, word sequences comprising the word and a predetermined number of other words;	SEAL teaches analyzing a plurality of input sources to identify an "initial lexicon" containing relevant lexical entries and the use of a reference function that links sets of lexical entries (i.e., word sequences) from

(b) calculating a relative frequency of occurrence for each distinct word sequence among word sequences containing the word; and	the lexicon to the set of instances they correspond to (see SEAL, page 6).
(c) generating a fuzzy set comprising, for word sequences containing the word, corresponding fuzzy membership values calculated from the relative frequencies determined at step (b); and	SEAL teaches the use of a membership function that assigns sets of instances from the lexicon to the sets of concepts they are members of (see SEAL, page 6).
(ii) calculating and storing, for each pair of words of said plurality of words, using respective fuzzy sets generated at step (i), a probability that the first word of the pair is semantically suitable as a replacement for the second word of the pair.	SEAL teaches using the membership function to develop an ontology that recognizes one concept (synset) may be represented by several words – each of the words associated with the same concept is a semantically suitable replacement for another (see SEAL, paragraph 1, page 6).

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/573,192 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

3) *"Improving Level of Service for Mobile Users Using Context Awareness", Proceedings of the 18th IEEE Symposium on Reliable Distribution Systems, Lausanne, Switzerland, Oct. 19-22, 1999 (hereinafter "Couderc") is well-known to those of average skill in the art. Couderc teaches using a layered software application to pass location information, bandwidth information and weather information to a browser in a mobile phone. As is well-known in the art, browsers are the user interface for many applications.*

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O did not consider Couderc to be relevant to an application filed on behalf of SAP (10/208,201) for an invention that passes location information to the user interface in a mobile phone. The application matured into U.S. Patent 7,283,846. It is also worth noting at this point that there are a number of other issued patents that appear to be invalid for failing to consider Couderc. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,283,846 and Couderc	
1. A location context-aware system integrating geographical contextual information, the location context-aware system comprising:	Couderc teaches a location-aware Web service as a context service for mobile device users (see Couderc, abstract, page 1)
a backend enterprise server executing an enterprise application, the enterprise application including an enterprise user interface;	Couderc teaches the use of a back end "information server" that supports the execution of applications that include a user interface (see Couderc, FIG. 4)

a mobile device configured to interact with the enterprise application via manual input;	Couderc teaches the use of mobile devices with browsers that act as interfaces to applications (see Couderc, page 6)
a location service operable to determine location context information of the mobile device;	Couderc teaches a location service operable to determine location context information of the mobile device (see Couderc, page 9)
a mobile application server in communication with the backend enterprise server and the mobile device, the mobile application server configured to generate a simplified user interface based on the enterprise user interface and the location context information, the simplified user interface comprising at least one field of the enterprise user interface which is pre-populated or not rendered based on the location context information, and further configured to transmit the simplified user interface to the mobile device.	Couderc teaches a mobile host system that communicates with the back end information server and mobile devices (see Couderc, FIG. 5). The mobile devices can communicate with the system via a web browser that can display different context objects based on location context information (see Couderc, page 9).

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/208,201 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

4) "Modeling for the future" (hereinafter "Winterton") is well-known to those of average skill in the art. Winterton describes a number of changes that can be made to the Value at Risk methodology to improve its utility. The changes include recognizing a leptokurtotic distribution of risk, changing time scales, and recognizing specific variables that have an impact on financial performance.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners in the U.S.P.T.O. did not consider Winterton to be relevant to an application filed on behalf of FinAnalytica (10/888,414) that teaches the modification of value at risk techniques to recognize extreme tail (leptokurtic) risk and the impact of specific variables. The application matured into U.S. Patent 7,711,617; a table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,711,617 and Winterton	
1. A computer-implemented system for providing optimization of a financial portfolio using a parametric leptokurtic distribution, comprising:	
a memory containing a database configured to store a time series comprising a plurality of risk factors applicable over at least one	A well-known computer system containing well-known information regarding a plurality of financial assets.

time horizon, a portfolio comprising a plurality of financial assets, a quantile, and one or more risk adjusted return points for the financial assets; *an input device to receive input from a user;* *a network operatively coupled and providing communication between the memory, the input device, an output device, and a processor; where the processor is programmed to execute program modules, the program modules comprising:*	
an association module configured to associate the financial assets with the risk factors;	*Asset Reliance applications have taught using a module to identify relevant risks for corporate elements of value since 2000. (see published application 2004/0215551, paragraphs 271 through 298). Corporate securities aggregate the risks of the elements of value included in the corporations they represent.*
a risk determining module configured to generate a subordinated parametric distribution <u>model exhibiting leptokurtic behavior</u>;	*Winterton teaches the use of <u>leptokurtic - risk characterizations</u> in calculating tail risks (see Winterton, page 2, paragraph 5)*
an expected tail loss determining module configured to express a function of expected tail loss for the quantile based on the parametric distribution model exhibiting leptokurtic behavior, wherein the expected tail loss, ETL (x,ε) is defined in accordance with the equation: $F\ (x,\zeta) = \zeta + 1\varepsilon\ \int VaR\ (x,\varepsilon)\infty$ $[-zT\ x + V0 - \zeta] + \ fq\ (z)\quad dz$ *, where the relation holds:* $ETL\ (x,\varepsilon) = min\ \zeta \in\ F\ (x,\zeta),$ *where ζ is a real number, <u>VaR(x, ε) is Value-</u>*	*Winterton teaches the use of <u>leptokurtic - risk characterizations in calculating tail risks using the Value at Risk methodology</u> (see Winterton, page 2, paragraph 5)*

at-Risk of a portfolio where x=(x1, x2, . . . , xn) is a portfolio structure as a vector of portfolio allocation weights, ε is the quantile, <u>fq(z) is the parametric distribution exhibiting leptokurtic behavior</u>, with the density function of random vector q of future log prices of all portfolio prices one period ahead, vector z, where z=(z—1, . . . , z_n), is in n-dimensional Euclidean space and is over the domain of those z such that the value −zTx+V0 is larger than VaR(x, ε), where zT is the transposed vector of z, and V0 is present portfolio log-value; and	
<u>an optimal portfolio determining module</u> configured to determine a set of portfolio asset weights for each of the financial assets based on the expected tail loss at each such time horizon and for each risk adjusted return point,	*Asset Reliance applications have taught the <u>identification of changes that optimize portfolios</u> since 2000 (see published application 2004/0215551, paragraphs 271 through 312)*
wherein the output device is configured to <u>provide optimization of the portfolio based on the portfolio asset weights for each risk adjusted return point</u> for the portfolio.	*Asset Reliance applications have taught <u>the identification of the efficient frontier</u> for risk and return since 2000 (see published application 2004/0215551, paragraph 297)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/888,414 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

5) U.S. Patent 5,819,237 (hereinafter "Garman") is well-known to those of average skill in the art. It appears to be the first U.S. patent that has claims containing the term "value at risk" and it describes the development and use of the well-known Value at Risk metric. Modern portfolio theory is also well-known to those of average skill in the art as detailed under item number 12 of the instant section of this attachment. Option analytics are well-known to those of average skill in the art (see Sandretto, C29, L53 - 64, discussed under number 10). U.S. Patent 5,615,109 (hereinafter "Eder") is also well-known to those of average skill in the art and it teaches the optimization of profit for a supply chain management activity - purchasing.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners in the U.S.P.T.O. did not consider Garman, Sandretto or Modern Portfolio Theory to be relevant to an application filed by IBM (09/534,715) that relies on "value at risk" techniques for measuring and managing supply chain risk. The application matured into U.S. Patent 6,671,673 (hereinafter "Baseman"). Baseman is listed in the next section of this Attachment because the specification does not appear to provide the information that would allow someone of average skill to make and/or use the invention. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 6,671,673 and 5,615,109	
1. A method to assist decision-making, and to closely monitor various performance measures of an enterprise by extending supply chain management using financial management considerations, said method being performed on a computer and comprising the steps of:	*Eder teaches the development and use of a computer system that extends supply chain management using financial management considerations (see Eder, abstract and FIG. 1).*
selecting at least one activity or solution related to supply chain management for consideration using a computer resource; determining whether the selected at least one activity or solution is affected by financial management information, and if so, then integrating the affecting financial information with information related to the selected at least one activity or solution using a computer resource;	*Eder teaches the selection of one supply chain management activity (purchasing aka procurement), integrates the financial management information with the information related to procurement and determines the effect on the activity that is affected by said information (see Eder, Column 1 through Column 3 and FIG. 3).*
developing a process to generate a strategic or operational business plan that provides a solution for the selected at least one activity or solution related to supply chain management using a computer resource; determining whether the process is affected by financial management objectives, and if so, then integrating the affecting financial management objectives with objectives related to the process using a computer resource;	*Eder teaches a process to generate an operational business plan (a set of requisitions) that provides a solution for the selected at least one activity or solution related to supply chain management using a computer resource and integrates financial management objectives in determining the optimal solution (see Eder, Column 68, line 1 through line 14).*
determining whether the process will benefit from utilizing financial management techniques, and if so, then employing financial management techniques benefitting the process using a computer resource; selecting the financial management techniques from the group of value at risk techniques, option valuation analytics, and portfolio management techniques using computer resources; and performing the process using information, objectives, risk management objectives, and techniques associated with the at least one selected activity or solution including information, objectives, risk management objectives integrated in the determining steps, and using financial management	*Modern portfolio theory (one of the Hodder references cited in application 09/534,715 teaches extending portfolio management by employing CAPM which implicitly teaches Portfolio Management), option analytics (see Sandretto, C29, L53 – 64) and VaR (see Garman) are all well-known to those of average skill in the art. Combining them with the Eder teachings would be obvious except for the fact that the use of portfolio theory techniques teaches away from the need for: analyzing the value at risk of the supply chain and/or the consideration option analytics. Also, as noted elsewhere in more detail, a source for the values that would be the basis for all three financial analyses was not*

techniques identified as beneficial to the process using a computer resource.	identified in the 6,671,673 specification. It is well-known to those of average skill in the art that the difficulty in obtaining the required value information is one of reasons why VaR is often not used for corporate financial analysis (see Beyond Value at Risk, page 239).

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/534,715 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

6) U.S. Patent 6,088,678 (hereinafter "Shannon") is well-known to those of average skill in the art. Shannon describes a computer-implemented process simulation tool that relies on a software engine that uses historical data stored in data matrices to calculate the resources (time and money) required to complete a project and the risks associated with completing said project. U.S. Patent 6,233,600 (hereinafter "Salas") is also well-known to those of average skill in the arts. Salas describes a system and method for providing a collaborative work environment that is useful for a number of activities including managing a project.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Shannon or Salas to be relevant to an application filed on behalf of IBM (09/660,852) that relies on using historical data to manage projects by completing a variety of activities including forecasting project costs, monitoring time requirements, and/or managing risk. The application matured into U.S. Patent 7,788,118 (IBM). A table containing a representative claim and the well-known prior art (Shannon and Salas) that was apparently not considered is shown below.

Claim map 7,788,118, Salas and Shannon	
A computer implemented method for managing a project, comprising the steps of:	Shannon and Salas both describe a computer implemented methods for managing a project (see Shannon and Salas, abstracts)
building on said computer a project management data model having entities and relationships described by text and graphical data; entering said project management data model in a relational database residing on said computer;	Salas describes a collaborative work environment that uses text and graphical indicators for project management (see Salas, C6, L14 – 20), Salas teaches that the project data may be stored in a relational database (see Salas, C3, L24 – 26),
building on said computer a project management tool for a project for production of a product or providing services,	Shannon describes a computer based project management tool for a project for production of a product or service (see Shannon, abstract)
having web pages from said text and	Salas teaches creating and displaying web

graphical data; generating on said computer hyperlinks in said web pages of said tool based on said relationships in said relational database;	pages representing a project (see Salas, C4, L55 – 61) and that users may utilize hyperlinks within the work environment (see Salas C6, L40 – 44)
using said tool on said computer to manage said project.	Salas and Shannon both describe using their inventions to manage a project (see Shannon and Salas, abstracts)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/660,852. As a result, a large company received a patent for an invention that does not appear to be novel.

7) <u>Managing Credit Risk</u> (hereinafter "Caouette") is well-known to those of average skill in the art. Caouette, which was published in 1998 notes that "When a loan was made in the past, the associated credit risk remained on the lender's balance sheet until the debt was repaid or written off. Today, the loan and the risk are just as likely to be resold and/or reconfigured for incorporation into a structured financing that serves as an intermediary between the saving and borrowing sectors." The use of curves to analyze prices has also been well-known to those of average skill in the art for over one hundred years (see items 19 and 21 in Section A of Attachment B for details).

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider the well-known history of price curves or Caouette's description of the routine creation and use of credit risk transfer products to be relevant to an application (09/894,851) filed on behalf of Creditex. The application discusses an invention for: analyzing market capacity using apparently unspecified methods and using templates in an apparently unspecified manner to create credit risk transfer products for markets with capacity. The credit risk transfer products are then priced by using <u>unspecified</u> algorithms to complete apparently unspecified analyses of a plurality of price/demand curves. The application matured into U.S. Patent 7,333,950 (hereinafter "Shidler"). Please note: Shidler is also listed in the next section of this Attachment because the specification does not appear to provide the information that would allow someone of average skill to make and/or use step (c) or step (d) of the invention. A table containing a representative claim and the well-known prior art (Caouette) that was apparently not considered is shown below.

Claim map for 7,333,950 and Caouette	
1. A computerized system for creating synthetic credit products comprising:	Caouette teaches the creation of synthetic credit products
(a) at least one processor; (b) at least one database coupled to the processor;	A well-known computer system connected to a well-known database.
(c) a Capacity Creation module, coupled to the at least one processor and the at least one database, for determining the capacity of a defined financial market that includes at least one entity to absorb defined synthetic credit products at a minimum level of default	Caouette teaches that because of pressures from competitors and regulators, the emergence of dynamic trading markets for loans, growing loan volume and the pursuit of internal objectives for return on equity banks are generally willing to consider

risk, wherein the synthetic credit products include credit default swaps for structuring and pricing of credit-rating specific credit indexes; and	shifting their credit exposure through transactions with counterparties - aka synthetic credit products (see Caouette, paragraph 2, page 14)
(d) a Product Creation module, coupled to the at least one processor and the at least one database, for creating the synthetic credit products including a Product Creation engine for creating the synthetic credit products matched to debt obligations of qualified reference entities based upon internal templates in accordance with the capacity determined by the Capacity Creation module.	Caouette teaches that creating credit risk products that are matched to debt obligations of qualified reference entities was a routine occurrence several years before Shidler was filed (see Caouette, paragraph 3, page 94)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/894,851 was apparently not even considered. As a result, a large company received a patent for an invention that does not appear to be novel.

8) *U.S. Patent 6,301,584 (hereinafter "Ranger") is well-known to those of average skill in the art. Ranger describes an invention that integrates data from disparate sources, configures it in accordance with a model and presents views of the data using HTML, XML or VRML. U.S. Patent 6,332,163 (hereinafter "Bowman Amuah") is similarly well-known to those of average skill in the art. Among other things, Bowman Amuah teaches the retrieval, manipulation, and display of data in accordance with a variety of formats including XML, SGML and SMIL.*

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider either Ranger or Bowman Amuah to be relevant to an application (09/573,419) filed on behalf of E Numerate Solutions that describes an invention for automatically manipulating and graphically displaying numerical data contained in HTML or XML documents. It does this manipulation by dynamically combining data from a source database with document format information in a special data viewer. The application matured into U.S. Patent 7,249,328 (hereinafter "Davis"). A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,249,328, 6,301,584 and 6,332,163	
1. A method in a data processing system comprising the steps of:	
displaying a hierarchical description characterizing a parent line item and a description characterizing each of a plurality of associated children line items, the parent line item and plurality of children	Ranger teaches an invention where: the memory stores a number of classes…. The classes include at least one dependent class that is hierarchically linked to at least one other class and contains additional

line items each including a series of numerical values;	property definitions specifying additional property values (see Ranger, C2, L25 − 35)
displaying an icon associated with each child line item representing a mathematical dependency relationship between each child line item and the parent line item;	Bowman Amuah teaches an invention where animated icons can be created to improve client side performance (see Bowman Amuah, C15, L33)
providing metadata for each numerical value and using the metadata to process the numerical values when displaying a selected line item; and	Bowman Amuah teaches an invention where systems are equipped with logic for interpreting the metadata of information received (see Bowman Amuah, C236, L15 − 18)
storing the processed numerical value.	Bowman Amuah teaches an invention where translated data is stored in a relational database (see Bowman Amuah, C211, L14 − 16)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/573,419 was apparently not even considered. As a result, a large company received a patent for an invention that does not appear to be novel.

9) U.S. Patent 6,411,936 (hereinafter "Sanders") is well-known to those of average skill in the art. Sanders describes an invention that uses planning loop structures to identify value enhancements for an enterprise. In particular, Sanders describes identifying value enhancements for customers that meet certain criteria (see claims 19, 23 and 25). U.S. Patent 5,615,109 is also well-known to those of average skill in the art and it teaches the optimization of profit.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Sanders or U.S. Patent 5,615,109 to be relevant to an application (10/461,499) filed on behalf of J.P. Morgan Chase Bank that describes an invention for identifying a list of potential marketing offers that meet certain criteria and selecting offer(s) from the list that optimizes profitability. The application matured into U.S. Patent 7,606,727. Please note: Sanders is also listed in the next section of this Attachment because the specification does not appear to provide information that would allow someone of average skill to make and/or use all of the claimed invention. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,606,727, 6,411,936 and 5,615,109	
1. A computer-implemented method for identifying optimal marketing offers using a computer processor, the method comprising:	
collecting and analyzing information associated with a plurality of potential marketing offers;	Sanders teaches the use of planning loop structures to collect information about a plurality of things including higher value added products and customers (see

	Sanders, FIG. 13, C16, L8 - 21)
identifying, with the computer processor, a plurality of marketing offers, from the plurality of potential marketing offers, that are eligible for inclusion in a marketing campaign, based on a plurality of predetermined criteria and the collected information, where the plurality of potential marketing offers are evaluated for eligibility on a household level, a prospect level and an offer level;	*Sanders teaches tracking and determining a potential for movement in each of product and services mix, pricing, gross margins and customer asset values (see Sanders, C16, L8 – 21). Sanders also teaches providing customized solutions for at least one of specific target customer accounts, specific target supplier accounts, market segments by type of account, and market segments by type of offering (see Sanders, claim 19 and claim 25).*
calculating a measure of profitability and response rate for each of the identified eligible marketing offers, the measure of response rate for each of the eligible marketing offers comprising a net response rate (NRR) calculated based on an associated time-degradation factor; and	*Sanders calculates a measure of profitability for marketing offers (see Sanders, FIG. 7, numbers 701 and 731 and claim 13) and the responses received from marketing activities (see Sanders, FIG. 7, numbers 728, 729 and 730, C11, L44 – C12, L27)*
identifying at least one optimal marketing offer from the eligible marketing offers based at least in part on the measure of profitability and response rate for each of the eligible marketing offers.	*Patent 5,615,109 teaches the optimization of profit based on forecast levels of profitability (see 5,615,109, C67 L12 – 39)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/461,499 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

10) U.S. Patent 5,812,988 (hereinafter "Sandretto") is well-known to those of average skill in the art. Sandretto describes an invention that combines asset cash flow forecasts and financial statement forecasts for assets with known cash flows with pre-determined risk return models in iterative loops to estimate actual asset values in a world where assets are completely independent and "efficiently priced". In particular, this invention relates to an iterative process to estimate a discount rate (and risk) for each of two or more assets in a portfolio with a known value. U.S. Patent 5,361,201 (hereinafter "Jost") is also well-known to those of average skill in the art. Jost describes an invention that uses neural network models and error models developed from properties with known values to estimate values for new, unknown properties in the same neighborhoods and identify the property characteristics that affect said estimated values.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Sandretto or Jost to be relevant to an application (09/737,639) filed on behalf of GE Capital that describes an invention for finding value and reducing risk by evaluating large groups of assets on an individual basis using an iterative process that includes asset segmentation based on estimated asset discount rates and their similarity to known assets. The application matured into U.S. Patent 7,028,005

(hereinafter "Messmer"). A table containing a representative claim and the well-known prior art (Sandretto and Jost) that was apparently not considered is shown below.

Claim map for 7,028,005, 5,812,988 and 5,361,201	
A computer implemented method for finding value and reducing risk in purchasing portfolios of assets using a computer coupled to a database, said method comprising the steps of:	*Sandretto teaches the identification of value and risk in a portfolio of assets using a computer coupled to a database (see Sandretto, abstract and FIG. 1A)*
calculating an initial value of each asset included within a portfolio of assets; and	*Sandretto teaches the calculation of an initial value for each asset in a portfolio of assets (see Sandretto, C10, L1 – 61)*
recalculating the value of each asset included within the portfolio, the recalculation is performed using the computer to perform the steps of: fully underwriting each asset included within a first portion of the portfolio to produce a value of each asset included within the first portion of the portfolio, wherein underwriting includes analyzing an asset in accordance with predetermined criteria, and determining a current purchase price for buying the asset and a confidence factor associated with the determined purchase price based on the analysis,	*Sandretto teaches that the values for each asset in a portfolio are re-calculated using particular asset-specific variables that are determined by reference to one of several predetermined asset models, the iterative calculations continue until the calculated asset prices are within an acceptable range of accuracy (see Sandretto, C10, L61 – C11, L55)*
underwriting a sample of assets included within a second portion of the portfolio to calculate a value of each asset included within the second portion of the portfolio based on the underwritten sample assets, each sample asset having descriptive attributes common to at least one non-sample asset included within the second portion such that each sample asset represents at least one non-sample asset included within the second portion, and	*Jost teaches the use of a model derived from a plurality of properties with known values which corresponds to the sample of properties in second portion of portfolio to value unknown properties which corresponds to valuing the remaining properties in second portion of portfolio (see Jost, claim 1, C6, L3 - 30).*
statistically inferring a value of each asset included within a third portion of the portfolio using an iterative process including grouping the assets included within the third portion of the portfolio into clusters based on underwriting values and variances of the first and second portions of the portfolio.	*Jost teaches the use of a model derived from a plurality of properties with known values (first and second portions of portfolio) to value unknown properties (third portion of portfolio). Please see Jost, claim 1 and C6, L3 - 30.*

End result: Well-known prior art that would normally be used by someone of average skill in

the art to render obvious application 09/737,639 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

11) U.S. Patent 4,989,141 (hereinafter "Lyons") is well-known to those of average skill in the art. Lyons describes an invention that collects, organizes, manages and consolidates data, and provides user defined capabilities for creating financial and corporate reports with the consolidated data. In particular, the Lyons invention provides each user with the ability to design custom reports by extracting specific data from the consolidated data.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Lyons to be relevant to an application (10/050,273) filed on behalf of Convergys that describes a database conversion engine comprising a method and system to convert business information residing on one system to another system. The application matured into U.S. Patent 6,996,589. A table containing a representative claim and the well-known prior art (Lyons) that was apparently not considered is shown below.

Claim map for 6,996,589 and 4,989,141	
1. A computer system for migrating a source database wherein a specific type of source database is selected from a relational database, an object-oriented database, or a network database, to a target database comprising:	*Lyons teaches migrating a source database wherein a specific type of source database is selected from a relational database, an object-oriented database, or a network database, to a target database (see Lyons, C21, L25 – L60)*
a set of mapping instructions; a target schema specification; and a generically coded database conversion engine wherein the database conversion engine is coded to perform conversions independent of the specific type of source database and the specific type of target database associated with a conversion; wherein:	*Lyons teaches a set of mapping instructions, a target specification and database conversion wherein the database conversion is coded to perform conversions independent of the specific type of source database (see Lyons, abstract, C2, L46 – 50 and C21, L25 – L60)*
data in the source database is sent to the database conversion engine; the target schema specification defines the target database; the set of mapping instructions defines at least one translation instruction for the translation of the source data from the source database to the target database; the database conversion engine receives the source data, the set of mapping instructions and the target schema specification;	*Lyons teaches that data in the source database is sent to the database conversion engine; the target specification defines the target database; the set of mapping instructions defines at least one translation instruction for the translation of the source data from the source database to the target database; the database conversion engine receives the source data, the set of mapping instructions and the target specification (see Lyons, abstract, C4, L43 – 51)*

the database conversion engine parses the set of mapping instructions and the target schema specification; the database conversion engine performs the set of mapping instructions on the source data;	*Lyons teaches that database conversion performs the set of mapping instructions on the source data (see Lyons, abstract, C4, L43 − 51);*
the database conversion engine uploads a resulting set of data into the target database in accordance with the target schema specification; and the database conversion engine validates the source data and the resulting set of data in accordance with the target schema specification.	*Lyons teaches providing access to the subset of data through an interface module and validates the data (see Lyons C6, L40*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/923,646 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

12) The use of financial forecasts and discounted cash flow calculations to value investments is well-known to those of average skill in the art. Following the stock market crash of 1929, discounted cash flow analysis gained popularity as a valuation method. Irving Fisher in his 1930 book The Theory of Interest and John Burr Williams's 1938 text The Theory of Investment Value first formally expressed the discounted cash flow method in modern economic terms. The Capital Asset Pricing Model and the related Efficient Market Hypothesis (aka Modern Portfolio Theory) which teach mean-variance portfolio optimization are approximately 60 years old and are well-known to those of average skill in the art. Published Patent Application 2003/0208427 (hereinafter "Peters") is also well-known to those of average skill in the art. Peters describes an invention that assesses a client's current portfolio holdings in order to develop an investment risk profile, compares investment risk classifications based upon portfolio holdings, and recommends specific portfolio changes based on asset classes to create an optimized portfolio for the client's investment risk profile. In particular, Peters describes the development of an efficient frontier coupled with a specific portfolio selection that recognizes the investors risk preferences. Sandretto (discussed under number 10 of the instant attachment section) is also well-known to those of average skill in the art.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O. did not consider the well-known history of discounted cash flow, modern portfolio theory, Sandretto or Peters to be relevant to application (10/892,611) that describes an invention that calculate and present fair value estimates for assets based on: asset related financial forecasts, presently valued asset cash flows and valuation parameters aligned with an investor profile. The investor profile comprises one or more of risk premium preferences and tax treatment preferences (see claim 9, 7,672,889). The application matured into U.S. Patent 7,672,889. A table containing a representative claim and the well-known prior art (Fisher, Williams, Sandretto and Peters) that was apparently not considered is shown below.

Claim map for 7,672,889 and well-known prior art	
A computer-implemented method, comprising:	
(a) determining, by a computing device, an estimated present fair value of an asset by consolidating selected (i) historical performance data regarding the asset, (ii) forecast information regarding the asset, and (iii) valuation information provided by one or more investment information service providers, said valuation information regarding the asset, all according to: (x) fair value estimation processes that utilize one or more of financial information concerning the asset, financial forecasts concerning the asset, presently valued cash flows concerning the asset, and	*Irving Fisher in his 1930 book* The Theory of Interest *and John Burr Williams's 1938 text* The Theory of Investment Value *first formally expressed the discounted cash flow method which relies on forecast information regarding cash flows for valuing assets (source: Wikipedia)*
(y) valuation parameters aligned with an investor profile; and	*Peters teaches the development of an investment risk profile for individual investors and the use of said profile in selecting investments (see Peters, FIG. 5, FIG. 14, paragraphs 20 - 22)*
(b) presenting the estimated present fair value in a format reflecting an over/under valuation of the asset as compared to its price.	*Sandretto teaches the evaluation of the discount rate used to calculate the present value of an asset to determine if the asset is over/under valued or if the discount rate needs to be revised (see Sandretto, C18, L27 – 35)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/892,611 was apparently not considered. As a result, a patent was issued for an invention that does not appear to be novel.

13) U.S. Patent 6,012,053 (hereinafter "Pant") is well-known to those of average skill in the art. Pant describes a mechanism through which results from a search query are ranked according to user specified relevance factors to allow the user to control how the search results are presented. In particular, the Pant invention provides the user with the ability to assign weights to different attributes of the search results, generate a score for each item in the results using said weights and then present results ranked according to the score.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Pant to be relevant to an application filed on behalf of JP Morgan Chase (09/552,879) for an invention that allows the user to enter a set of criteria of their choice with desired ranges and a weighting factor to be applied to the

criteria. The user criteria and weightings are used to define a match score that controls how the results are displayed. The application matured into U.S. Patent 7,212,996. A table containing a representative claim and the well-known prior art (Pant) that was apparently not considered is shown below.

Claim map for 7,212,996 and 6,012,053	
1. A system having a computer memory and a processor for multivariable comparison of financial information, comprising:	
a first processor performing instructions for a client interface for a user to receive weightable search information, the weightable search information comprising <u>user-selected quantitative search criteria and user-selected weighting criteria,</u> the weighting criteria reflecting user-defined levels of importance for one or more of the quantitative search criteria; and	Pant teaches that results from a search query are ranked according to <u>user-specified relevance factors</u> (corresponds to search criteria) <u>and weights</u> (see Pant, abstract, FIG. 1 and C1, L53 – 61)
a second processor performing through a search interface, communicating with the client interface, the search interface interrogates at least one network-enabled information source according to the weightable search information to generate search results;	Pant teaches the use of a server computer and the process performed by the server computer to receive and process a query and relevance factors from a client computer in order to produce relevancy ranked search results (see Pant, FIG. 3, C2, L47 - 54)
wherein the financial information comprises a plurality of investment funds, each having multiple quantitative investment fund variables associated therewith;	Pant teaches an invention that can be applied to any type of information (see Pant, C1, L5 – 10)
the computer memory for storing the search results;	Well-known computer memory
the search interface compares the quantitative investment fund variables with the user-selected quantitative search criteria and the user-selected weighting criteria to generate search results comprising:	Pant teaches a relevance determination module having a first input for receiving a set of search results from a query indicating items in the collection matching the query, a second input for receiving an indication of relevance factors specified by a user, and a third input for receiving information about the items in the set of search results to which relevance factors may be applied. This module has an output for providing an indication of a score indicative of relevance for each of the items in the set of search results (see Pant, C2, L29 – 38)
a first set of investment funds that do not	Pant teaches a sorting module that has an

satisfy all of the user-selected quantitative search criteria, but which satisfy the overall user-defined criteria based on the combination of the user-selected weighting criteria and the user-selected quantitative criteria, wherein the search results indicate the level the search results match the weighted criteria;	input which receives the score associated with each item, and an indication of the set of search results, and an output providing to the user an indication of the items in the set of search results in an order ranked according to the relevance score of each item which is an indication of the level which the search results match the weighted criteria (see Pant, C2, L38 – 43)
the search interface performs subsequent searches within stored results of a prior search to limit search results when existing search criteria values are revised;	Obvious repeat of process described above for revised criteria
the search interface performs other subsequent searches to interrogate at least one network-enabled information source to expand search results when criteria are added; and	Obvious repeat of process described above for new criteria
the search interface recalculates and represents the result indicators which indicate the level the search results match the weighted criteria.	Obvious repeat of process described above for new criteria

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/552,879 was apparently not considered. As a result, a patent was issued for an invention that does not appear to be novel.

14) U.S. Patent 7,630,986 (hereinafter "Herz") is well-known to those of average skill in the art. Herz describes a system for securely exchanging information and messages about buyer characteristics and preferences with sellers of products and services. The Herz specification also describes the use of collaborative filtering to combine the buyer characteristics and preferences with information about previous buyers to identify products and services that are likely to be of interest to buyers. As is well-known in the art, collaborative filtering identifies items of interest to buyers by assuming that people with similar characteristics and/or preferences will want similar things.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that examiners at the U.S.P.T.O. apparently did not consider Herz to be relevant to an application filed on behalf of Aggregate Knowledge (11/369,562) that relies on collaborative filtering to identify items of interest. The application matured into U.S. Patent 7,788,358. A table containing a representative claim and the well-known prior art (Herz) that was apparently not considered is shown below.

Claim map for 7,788,358 and Herz	
A system for generating recommendations, comprising: a processor to execute modules,	Herz describes the implementation of a system for exchanging information and

including: a communications module to receive a message requesting recommendations via a network,	messages between two or more parties (see Herz, abstract)
the message specifying a label identifying an item, a predicate describing a type of the item and at least one constraint on one or more items to be returned as recommendations;	Herz teaches the use of queries to identify and return items that satisfy at least one constraint (see Herz, C77, L26 – 27)
a canonicalization module to generate canonicalized representations of relationships by associating each component of the relationship data with a unique identifier (ID), the relationship data including a label component identifying an item, a predicate describing a type of the item and an intent describing an action that established the relationship; a relationship storage module for storing the canonicalized representations in a memory;	Herz teaches the use of: unique identifiers for every agent (see Herz, C9, L1 – 5), unique ids for each vendor (see Herz, C49, L23), unique ids for message packages (see Herz, C 74, L31), unique identifiers for each user (see Herz, C57, L3 – 5) and the development, storage and use of data objects that represent an association list that identifies the relationship between data field names and values (see Herz, C18, L27 – 30).
and a recommendation generation module for generating recommendations based on the canonicalized representations of the relationships stored in the memory by performing collaborative filtering to identify a set of items related to the items identified in the message requesting recommendations and satisfying the at least one constraint.	Herz describes the implementation of a collaborative filtering based recommendation system (see Herz, C1, L55 – 65 and C83, L45 - 67) and that recommendations can be restricted to those that satisfy at least one constraint (see Herz, C77, L26 – 27)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/369,562 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

15) U.S. Patent 4,414,629 (hereinafter "Waite") is well-known to those of average skill in the art. Waite describes a method for structuring a field of data (i.e., battery failure data, chemical toxicity data, etc.) about a plurality of known objects so that the structured data can be used to support one or more predictions about a new, unknown object in the field (i.e.,... a new chemical, a new battery, etc.). Waite also teaches that frequency distribution data can be used to identify causal actions or events in a sequence of actions or events. U.S. Patent 6,885,975 (hereinafter "Srinivasan") is also well-known to those of average skill in the art. Srinivasan teaches a system for managing processes.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Waite or Srinivasan to be relevant to an application filed on behalf of Parasoft (11/701,806) that uses data about a sequence of events to produce predictions for use in process management. The application matured into U.S.

Patent 7,680,752. A table containing a representative claim and the well-known prior art (Waite and Srinivasan) that was apparently not considered is shown below.

Claim map for 7,680,752, Waite and Srinivasan	
10. A process management system comprising:	Srinivasan teaches a system for managing processes (see Srinivasan, abstract)
an execution engine to execute a process, the execution engine being configured to provide a process history including an audit trail, a process state and a process description;	Srinivasan teaches a system for executing a process, the system incorporates a process history, a process description and determines a process state (see Srinivasan, abstract; FIG. 4; C4, L49; C6, L5; and C7, L42)
a prediction module in communication with the execution engine, the prediction module being configured to provide a process prediction to the execution engine based on the process history, the process state and the process description;	Waite teaches the receipt of data in a computer (coded data) containing descriptions, event histories and target values for use in developing predictions (see Waite C3, L6 – C4, L34; and C25, L45 - 50)
and a learning module in communication with the prediction module to process one or more of the process history and the process description and generate a learning model for the prediction module, wherein the learning model includes a decision tree for predicting message events or a process state, where nodes of the decision tree involve preceding message events or values within the process state.	Waite teaches the analyses of sequences of events and data values for a field and that treeing algorithms may be used to analyze said data in order to make predictions (see Waite, abstract; C3, L48; C18, L63 – C19, L6; C19, L 68; and C25, L45 - 50)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/701,806 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

16) U.S. Patent Application 2003/0182394 (hereinafter "Ryngler") is well-known to those of average skill in the art. Ryngler describes a context engine that reviews information about an entity obtained from sensors, interpreters and databases after the relationship between the entities and states has been specified. Ryngler analyzes said information with the context engine to update the classification of the current state of a user. The state comprises one or more of three types of relationships: relationship of an entity to state (Tim (entity) is at lunch (state)), relationship of an entity to another entity (Tim (entity) is in (relationship) New York (entity)), and/or the relationship of a state to a relationship between two entities (Tim (entity) at lunch (state) in (relationship) New York (entity)). The information about entities, states and/or relationships developed by the context engine is provided to context aware applications. Ryngler also enables context aware applications by supporting the use of predefined combinations of entities, states and relationships called "context packs".

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider *Ryngler* to be relevant to an application filed on behalf of Accenture (10/754,984) that uses entity state information as context to be transmitted to applications. The application matured into U.S. Patent 7,716,333 (Accenture). It is also worth noting at this point that there are a large number of other issued patents that appear to be invalid for failing to properly consider *Ryngler*. A table containing a representative claim and the well-known prior art (*Ryngler*) that was apparently not considered is shown below.

Claim map for 7,716,333 and Ryngler	
1. A service control system for providing intention-based, context-sensitive services to mobile users, comprising: a database;	*Ryngler* teaches a method for providing context sensitive services to mobile users (see *Ryngler*, FIG. 7, paragraphs 5 - 6, paragraphs 43 - 44)
a profiler module coupled to the database, wherein the profiler module: collects a state of a user along with profile information including identity, location, available services per location, devices per location, and security per location, evaluates inputs related to the profile information to create an evaluation, updates the profile information to include the evaluation, updates attributes in the profile information for a type of service including telephony, messaging, and calendaring, updates attributes in the profile information for a selected service class related to an amount of service, and communicates the updated profile information to the database for storage therein;	*Ryngler* teaches the collection of a user's state and profile information including identity, location, available services, devices and evaluates the information, updates attributes based on the evaluation and stores the results (see *Ryngler*, Appendix A, pages 19 – 22)
an application module coupled to the database and including a plurality of application program interfaces for interfacing with a plurality of applications, the application program interfaces including telephony, messaging, and calendaring interfaces, wherein the application module is adapted for allocating application resources to the applications based on the updated profile information stored in the database;	*Ryngler* teaches an application layer coupled to the database and including a plurality of application program interfaces for interfacing with a plurality of applications, including telephony, messaging, and calendaring (see *Ryngler*, FIG. 10, FIG. 11, Paragraphs 207 – 235, Appendix A, pages 19 – 22)
a network resource module coupled to the database and a plurality of network routers, the network resource module adapted for configuring the network routers based on the	*Ryngler* teaches a network resource module coupled to the database and a plurality of network routers (see *Ryngler*, Appendix A, pages 19 – 22 – particularly

updated profile information stored in the database and the application resources allocated to the applications;	page 20)
a presentation module coupled to the database, the presentation module adapted for tailoring an output of the applications based on the updated profile information stored in the database and user requests for content and views; and	Ryngler teaches a presentation module coupled to the database, the presentation module adapted for tailoring an output of the applications based on the updated profile information stored in the database and user requests for content and views (see Ryngler Appendix A, pages 19 – 22 – particularly page 19 – presentational and informational)
a policy server coupled to the database, the application module, the network resource module, and the presentation module for controlling the operation of the telephony, messaging, and calendaring services thereof in accordance with policies identified utilizing the selected service class and updated profile information stored in the database, the policy server including a service logic execution program that executes a plurality of policies associated with each of the profiler module, the application module, the network resource module, and the presentation module.	Ryngler teaches a policy application (privacy policy) coupled to the database, the application module, the network resource module, and the presentation module for controlling the operation of the telephony, messaging, and calendaring services thereof in accordance with policies identified utilizing the selected service class and updated profile information stored in the database (see Ryngler, paragraph 205)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/754,984 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

17) U.S. Patent 6,278,981 (hereinafter "Dembo") is well-known to those of average skill in the art. Dembo describes a computer-implemented process for creating compressed portfolios that replicate the performance of the collection of instruments in a large and/or complex portfolio. In particular, a compressed portfolio is a portfolio that contains a relatively small number of relatively simple financial instruments that are sensitive to changes in the same risk factors contained in the bigger portfolio. In simulations the smaller portfolio's aggregate behavior is almost identical to the large and/or complex portfolio. U.S. Patent 6,330,546 (hereinafter "Gopinathan") is well-known in the art. Gopinathan teaches the use of self-trainable, non-linear statistical models to create risk scores. U.S. Patent 6,948,656 (hereinafter "Williams") is also well-known in the art and teaches the use of risk factors to calculate risk scores. Caouette (described previously under number 7 of the instant attachment section) teaches the use of risk scores for evaluating risk associated with assets, companies, and countries.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Dembo, Gopinathan, Williams or Caouette to be relevant to application 11/439,771 that describes an invention for using risk factors to develop risk scores. The application matured into U.S. Patent 7,747,494. A table containing a representative claim and the well-known prior art (Dembo, Gopinathan, Williams and Caouette) that was apparently not considered is shown below.

Claim map for 7,747,494, Dembo, Gopinathan, Williams and Caouette	
3. A graphical user interface on a computer system for assessing risk associated with a plurality of heterogeneous assets of a business enterprise	
a graphical tool to allow a user to select an asset from said plurality of heterogeneous assets on said computer system;	*Dembo teaches a graphical interface that allows users to select assets for risk analysis and simulation from a portfolio of heterogeneous assets (see Dembo, C6, L62 – 67 and C9, L67)*
a display unit that displays a plurality of real risk factors associated with the asset; said display unit that displays a real risk score associated with the asset, the real risk score being a measure of risk associated with the asset;	*Dembo teaches the automated identification of the risk factors for the assets in a portfolio (see Dembo, FIG. 3 C5, L13 – 40). Caouette and Gopinathan teach the use risk scores as measures of risk (see Caouette, pages 40, 115 and 139 and Gopinathan, claims 44 and 67)*
an input area to allow a user to input a plurality of simulated risk factors for the asset using an input device of the computer system; and	*Dembo teaches the use of an input device of a computer system to specify the key attributes for a risk simulation (see Dembo, C9, L 62 - 67 and C21, L18 – 20)*
said display unit that displays a non-determinative simulated risk score associated with the asset, the simulated risk score being a simulated measure of risk associated with the asset if the selected asset were to be associated with the plurality of simulated risk factors.	*Williams teaches the use of risk factors to determine risk scores (see Williams, claims 35 and 36). Dembo teaches the use of simulation to determine risk (see Dembo C14, L14)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/439,771 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

18) U.S. Patent application 2002/0120471 (hereinafter "Drazen") is well-known to those of average skill in the art. Drazen teaches storing a plurality of different medical guidelines for different health conditions, and storing historical patient information data for a plurality of patients. Patient information is collected from users via a global network and evaluated to generate a patient-specific risk report and a patient treatment plan that includes patient-specific recommendations for reducing risk based upon the different medical guidelines.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Drazen to be relevant to an application filed on behalf of GE (10/017,652) that describes an invention for a medical support system and method for performing at least one medical support process relating to diagnosis and treatment of a medical condition and that includes or employs medical records relating to patients and medical support databases including medical guidelines for the diagnosis and treatment of a medical condition. The application matured into U.S. Patent 7,577,573. A table containing a representative claim and the well-known prior art (Drazen) that was apparently not considered is shown below.

Claim map for 7,577,573 and Drazen	
1. A medical support system including a memory for storing at least one medical support process relating to diagnosis and treatment of a medical condition, a processor responsive to the medical support process and to user inputs for performing the medical support process, an input device for user inputs relating to the medical support process and an output device for displaying the results of the medical support process to a user, comprising:	Drazen teaches a medical support system including a memory for storing at least one medical support process relating to diagnosis and treatment of a medical condition, a processor responsive to the medical support process and to user inputs for performing the medical support process, an input device for user inputs relating to the medical support process and an output device for displaying the results of the medical support process to a user (see Drazen, abstract, FIG. 1, FIG. 2, FIG. 4a, FIG. 4b, FIG. 4c, FIG. 5, paragraph 3 - 7, and paragraph 24)
at least one medical record relating to a patient; at least one medical support database including medical guidelines for the diagnosis and treatment of the medical condition; a bi-directional dialect translator for receiving and translating between preferred dialect medical terms entered by an individual user and corresponding equivalent but different standard medical terms employed in the support operations, conversely bi-directionally translating the standard medical terms employed by the support operations into the preferred dialect medical terms originally entered and used by the individual user for display to the user; and a medical support process including at least one process phase each process phase including one or more process operations;	Drazen teaches a system with at least one medical record relating to a patient; at least one medical support database including medical guidelines for the diagnosis and treatment of the medical condition; at least one process phase with each process phase including one or more process operations Drazen also teaches a rules engines which can be used to provide translation of medical terms (see Drazen, abstract, FIG. 2, FIG. 4a, FIG. 4b, FIG. 4c, FIG. 5, paragraph 3 - 7, and paragraph 24)
each of the process operations of a process phase including: at least one process form providing an interface between a user and	Drazen teaches process operations of a process phase including: at least one process form providing an interface

the process operations of the process phase, each process form including fields for passing user inputs to the process operations and for displaying the results of the process operations to the user; and	between a user and the process operations of the process phase, each process form including fields for passing user inputs to the process operations and for displaying the results of the process operations to the user (see Drazen, FIG. 3 and FIG. 5 and paragraph 55)
at least one support process responsive to user inputs, the medical record and the guidelines for performing the process operations, wherein: the support processes execute an interactive dialogue between the medical support process and the user to provide guidance to the user in performing the medical support process according to the guidelines and dependent upon the user inputs and the medical record,	Drazen teaches at least one support process responsive to user inputs, the medical record and the guidelines for performing the process operations, wherein: the support processes execute a dialogue between the medical support process and the user to provide guidance to the user in performing the medical support process dependent upon the user inputs and the medical record by supporting queries (see Drazen, paragraph 55)
wherein the guidance provided to the user is capable of being overridden by the user and wherein the overridden guidelines are dynamically updated with a patient based guideline for the individual patient based on user input and the medical record for the individual patient.	Drazen teaches where the guidance provided to the user is capable of being overridden by the user and wherein the overridden guidelines are dynamically updated with a patient based guideline for the individual patient based on user input and the medical record for the individual patient as the user (doctor) identifies the final treatment plan which is incorporated into the database and is free to override the recommendations based on medical guidelines (see FIG. 2, FIG. 8A, FIG. 8B)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/017,652 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

19) Activity based costing is well-known to those of average skill in the art. It was developed in the 1980's and popularized in the early 1990's (for example, see <u>Balanced Scorecard</u> *by Robert Kaplan 1996). U.S. Patent 5,615,109 (hereinafter "Eder") is also well-known to those of average skill in the art. Eder describes an invention that optimizes profit for a commercial enterprise. In particular, profit is optimized by selecting the purchasing requisitions that maximize profit while minimizing investment after a risk metric (tvo) is generated, availability and demand scenarios are created, composite forecasts are developed and purchase discount schedules are analyzed. Demand elasticity curves are also well-known in the art (see number 22 in the instant attachment section for details).*

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Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider demand elasticity curves, activity based costing and/or Eder relevant to an application (10/144,537) filed by Demandtec for an invention that determines optimum prices for products by: modeling relationships between potential prices of the products and market demand for the products, using activity based costing to estimate costs for the products based upon market demand, and then using the data from these analyses in a profit or revenue optimization analysis. The application matured into U.S. Patent 7,240,019. A table containing a representative claim and the well-known prior art (Eder) that was apparently not considered is shown below.

Claim map for 7,240,019 and 5,615,109	
1. An interface enabling a user to determine optimum prices of products for sale, comprising:	
a scenario/results processor, configured to enable the user to prescribe an optimization scenario, and configured to present the optimum prices to said user, wherein the optimum prices are determined by execution of said optimization scenario, wherein said optimum prices are determined based upon estimated product demand and calculated activity based costs, said scenario/results processor comprising:	Eder teaches a scenario/results processor configured to enable the end user to identify the optimal prices and quantities that should be purchased (see Eder FIG. 2, FIG. 3A, FIG. 3B, C72, L19 – 48). The claimed invention identifies the optimal prices and quantities that should be sold (requires only an obvious change to the objective function using well-known demand elasticity curves see 22 below for details)
an input/output processor, configured to acquire data corresponding to said optimization scenario from the user, and configured to distribute optimization results to the user, wherein said data comprises activity based cost data corresponding to the products for sale, and wherein said input/output processor comprises:	Eder teaches an input/output processor, configured to acquire data corresponding to said optimization scenario from the user, and configured to distribute optimization results to the user (see Eder FIG. 2, FIG. 3A, FIG. 3B, C93, L7 – 17). Activity based costing data is well-known in the art and could be used for the expense calculations.
a template controller, configured to provide first price optimization templates and second price optimization templates, wherein said price optimization templates are presented to said user to allow for prescription of said optimization scenario, and for distribution of said optimization results, and wherein said first price optimization templates comprise:	Eder teaches the use of displays that allow the user to specify optimization scenarios and review optimization results (see Eder FIG. 3A, FIG. 3B, abstract, C15, L35 - C16, 17)
a plurality of new scenario templates, configured to enable said user to prescribe scenario parameters corresponding to said optimization scenario, wherein said plurality of new scenario templates comprise:	Eder teaches the use of displays to enable the user to prescribe optimization scenarios and distribute optimization results (see Eder FIG. 3A, FIG. 3B, abstract, C15, L35 - C16, 17), and

an at-large rules template, from specifying rules to govern determination of the optimum prices, said rules comprising:
   maximum allowable price swing for each of the products for sale; and
   maximum allowable for average price of each demand group within a plurality of demand groups; and
a command interpreter; configured to extract commands from said first price optimization templates executed by said user, and configured to populate said second price optimization templates according to result data provided for presentation to said user; and
	As is well-known in the art, the optimization models taught by Eder can be easily modified to incorporate the claimed constraints (see Eder, C28, L26 – 66)

a scenario controller, coupled to said input/output processor, configured to control acquisition of said data and the distribution of said optimization results in accordance with a price optimization procedure.	Eder teaches a system configured to control acquisition of data and the distribution of said price optimization results (see Eder FIG. 2, FIG. 3A, FIG. 3B, abstract, C15, L35 - C16, 17)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious a patent application filed by a large company was apparently not even considered. As a result, a large company received a patent for an invention that does not appear to be novel.

In the Petition filed January 7, 2011 U.S. Patent 7,092,918, 7,130,811, 7,249,031, 7,249,032, 7,249,033 and 7,302,410 were listed under the same item number as U.S. Patent 7,240,019. Those patents describe profit optimization inventions similar to Eder (5,615,109) that comprise demand elasticity curves which are well-known in the art (see item 22 below) and/or the relaxation of one or more constraints which is taught by U.S. Patent 6,308,162 (hereinafter "Ouimet"). Mapping this well-known prior art to the claims should be a straightforward exercise. However, the Assignee of the instant application will provide said claim maps upon request.

20) The Acute Physiological And Comprehensive Health Evaluation (APACHE) test which was first developed in 1981 and steadily improved over the years is well-known to those of average skill in the art. Cerner bought the main company selling APACHE systems and introduced APACHE IV in 2004 for use in treatment management. Lyapunov analysis has similarly been well-known to those of average skill in the art since the 1970's. Its use in mortality and health care analysis is well-known. For example, Google recently listed 19,700 hits for combination of Lyapunov and health care. In 2001, Dr. Bruce Kehr filed an application (2003/0036683, hereinafter "Kehr") for a database that could be used by APACHE systems and other systems to support treatment protocol customization and by other applications to support mortality monitoring.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that

Examiners at the U.S.P.T.O. did not consider the well-known history of APACHE, the well-known history of Lyapunov analysis and/or Kehr to be relevant to an application (11/444,080) filed on behalf of a subsidiary of Phillips that describes an invention that relies on the APACHE methodology to customize treatment protocols. The application matured into U.S. Patent 7,395,216. A table containing a representative claim and the well-known prior art (Kehr) that was apparently not considered is shown below.

Claim map for 7,395,216 and Kehr	
A system for determining a treatment plan for a patient comprising:	*Kehr describes a system for determining a treatment plan for a patient.*
a network; a datastore accessible to a remote command center via the network, wherein the datastore comprises assessment data elements indicative of medical conditions associated with geographically dispersed patients;	*Kehr teaches a network; a database accessible to a command center via the network, wherein the database comprises assessment data elements indicative of medical conditions associated with a plurality of patients (see Kehr abstract, FIG. 1 and FIG. 3)*
a decision support system at the remote command center, wherein the decision support system is connected to the network and comprises a software module, wherein the software module comprises instructions for:	*Kehr teaches a decision support system at the command center, wherein the decision support system is connected to the network and comprises a software module, wherein the software module comprises instructions for: (see Kehr, paragraph 171)*
continuously applying a predictive model to a first set of selected assessment data elements to produce current health measures for the patient; and utilizing the health measures to produce a treatment plan for the patient, wherein the treatment plan is continuously updated based on the current health measures; and	*Kehr teaches continuously applying a predictive model to a first set of selected assessment data elements to produce current health measures for the patient; and utilizing the health measures to produce a treatment plan for the patient, wherein the treatment plan is continuously updated based on the current health measures; and (see Kehr, paragraph 228),*
a rules generator connected to the network, wherein the rules generator comprises instructions for establishing a patient-specific rule for the patient consistent with the treatment plan for the patient; and	*Kehr teaches establishing a plurality of patient-specific rules for the patient consistent with the treatment plan for the patient (see Kehr, paragraph 161),*
a rules engine at the remote command center, wherein the rules engine is connected to the network and comprises instructions for: applying the patient-specific rule continuously to a second set of selected assessment data elements; determining in an automated fashion 24 hours per day 7 days per week whether the patient-specific rule for the patient has been contravened; and	*Kehr teaches a system for: applying the patient-specific rules continuously to a second set of selected assessment data elements; determining in an automated fashion 24 hours per day 7 days per week whether the patient-specific rule for the patient has been contravened; and issuing an alert if the patient-specific rule for the patient has*

issuing an alert if the patient-specific rule for the patient has been contravened.	been contravened (see Kehr, Figure 26, paragraphs 162 – 171)
2. The system of claim 1, wherein the predictive model is selected from the group consisting of an APACHE II algorithm; an APACHE III algorithm; a history of present illness (HPI) algorithm; a review of systems (ROS) algorithm; a past, family, and/or social history (PFSH) algorithm; a Sequential Organ Failure Assessment (SOFA) model, and a mortality prediction model (MPM) algorithm.	Kehr teaches wherein the predictive model is selected from the group consisting of an APACHE II algorithm; an APACHE III algorithm (see Kehr, paragraph 189)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/444,080 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

21) U.S. Patent 5,615,109 (hereinafter "Eder") is well-known to those of average skill in the art. Eder describes an invention that optimizes profit for a commercial enterprise. In particular, profit is optimized by selecting the purchasing requisitions that maximize profit while minimizing investment after a risk metric (tvo) is generated, availability and demand scenarios are created, composite forecasts are developed, and purchase discount schedules are analyzed.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Eder to be relevant to application (09/877,292) filed on behalf of IBM that describes an invention for analyzing availability, demand and price scenarios and a risk metric to support optimal purchasing (aka procurement) risk management. The application matured into U.S. Patent 7,246,080. A table containing a representative claim and the well-known prior art (Eder) that was apparently not considered is shown below.

Claim map for 7,246,080 and 5,615,109	
A computer implemented method of managing supply chain risk, comprising:	
receiving product manufacturing information;	Eder teaches the receipt of product manufacturing information (see Eder, C38, L26)
generating at least one risk distribution from the product manufacturing information, wherein the at least one risk distribution is along one or more of a quantity dimension, a time dimension, a space dimension and a quality dimension;	Eder teaches the generation of risk distributions on quantity dimensions, trend and variability, and a time dimension, obsolescence which are summarized in a TVO variable (see Eder, C17, L18 - 25)

receiving at least one market input parameter characterizing a market for the product;	Eder teaches the receipt of sales forecasts by item which characterize the market for a product (see Eder, C17, L6 – 11)
performing a market simulation on the at least one risk distribution using the at least one market input parameter to generate at least one modified risk distribution; and managing supply chain risk based on the at least one modified risk distribution.	Eder performs simulations based on market data to identify a modified risk distribution by varying the weightings of the TVO variable and the modification of requisitions and forecasts to manage supply chain risk based on the TVO weightings (see Eder, C26, L21 – 31)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/877,292 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

22) Price elasticity curves are well-known to those of average skill in the art. The phrase "supply and demand" was used by Adam Smith in his 1776 book <u>The Wealth of Nations</u>, and David Ricardo titled one chapter of his 1817 work <u>Principles of Political Economy and Taxation</u> "On the Influence of Demand and Supply on Price". In his 1870 essay "On the Graphical Representation of Supply and Demand", Fleeming Jenkin published the first drawing of supply and demand curves including comparative statics from a shift of supply or demand volume and application to the labor market. The model was further developed and popularized by Alfred Marshall in the 1890 textbook <u>Principles of Economics</u>.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners from the U.S.P.T.O. did not appear to consider any part the 200 years of prior art documenting the relationship between volume and price to be relevant to an application (10/279,182) filed on behalf of i2 technologies that describes a computer-implemented method of calculating price elasticity. It is also worth noting at this point that there are a number of other issued patents that appear to be invalid for failing to consider the well-known history of price elasticity curves. The application matured into U.S. Patent 7,343,355. A table containing a representative claim and the well-known prior art (Marshall) that was apparently not considered is shown below.

Claim map for 7,343,355 and well-known prior art	
1. A computer-implemented method for calculating price elasticity, the method performed using one or more computer systems each comprising one or more processing units and one or more memory units, the method comprising:	A well-known computer system for calculating price elasticity of demand (PED) as first taught by Alfred Marshall in 1890.
accessing a plurality of demand models; accessing demand data describing a plurality of items; evaluating the demand models in accordance with the demand data;	Alfred Marshall defined PED ("price elasticity of demand") in his book Principles of Economics, published in 1890. He described it thus: "And we may

selecting a demand model of the evaluated demand models in response to the evaluation; and calculating a price elasticity according to the selected demand model by: accessing a set of price elasticity values; for each price elasticity value, determining a probability of the price elasticity value given an event, the demand data describing the event; and determining the price elasticity value in accordance with the determined probabilities of the price elasticity value given the event; and	say generally:— the elasticity (or responsiveness) of demand in a market is great or small according as the amount demanded increases much or little for a given fall in price, and diminishes much or little for a given rise in price"[see III.IV.2.]. Alfred Marshall also described the calculation of the PED using demand data in his book (source: Wikipedia)
reporting the calculated price elasticity.	Simple presentation of results

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/462,546 was apparently not even considered. As a result, a patent was issued to a large, well-known company for an invention that does not appear to be novel.

23) Published Patent Application 2004/0122703 (hereinafter "Walker") is well-known to those of average skill in the art. Among other things, Walker teaches the development of predictive models of disease prognoses.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Walker was not cited during the prosecution of application 10/955,591. The application matured into U.S. Patent 7,194,301. A table containing a representative claim and the well-known prior art (Walker) that was apparently not considered is shown below.

Claim map for 7,194,301 and Walker	
27. A method of screening or optimization of a prospective patient in advance of a medical treatment, comprising:	
a) developing a predictive model for outcomes of patients who will receive the medical treatment as part of a therapy or treatment of a medical condition or disorder, using data mining techniques, and advanced regression tree analysis to build, train and test the predictive model for predicting the outcomes of patients receiving the medical treatment;	Walker teaches the development of a computational prognostic model for a disease that identifies the expected outcome after treatment (see Walker, paragraph 434)
b) collecting data from the prospective patient for the medical treatment;	Walker teaches the collection of data from a patient through a variety of different mechanisms (see Walker, paragraph 50)
c) using the predictive model to predict the possible outcome of the prospective patient	Walker teaches the development of a computational prognostic model for a

for the medical treatment.	*disease that identifies the expected outcome after treatment (see Walker, paragraph 434)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/955,591 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

24) U.S. Patent Application 2003/0182394 (hereinafter "Ryngler") is well-known to those of average skill in the art. Ryngler describes a context engine that reviews information about an entity obtained from sensors, interpreters, and databases after the relationship between the entities and states has been specified. Ryngler analyzes said information with the context engine to update the classification of the current state of a user. The state comprises one or more of three types of relationships: relationship of an entity to state (Tim (entity) is at lunch (state)), relationship of an entity to another entity (Tim (entity) is in (relationship) New York (entity)), and/or the relationship of a state to a relationship between two entities (Tim (entity) at lunch (state) in (relationship) New York (entity)). The information about entities, states and/or relationships developed by the context engine is provided to context aware applications. Ryngler also enables context aware applications by supporting the use of predefined combinations of entities, states and relationships called "context packs".

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Ryngler was not cited during the prosecution of application 11/054,109. The application matured into U.S. Patent 7,636,365. A table containing a representative claim and the well-known prior art (Ryngler) that was apparently not considered is shown below.

Claim map for application 7,636,365 and Ryngler	
1. A smart digital module intended to work with one or more similar modules for sensing and output of information, comprising:	*Ryngler teaches a context engine that is designed to sense and output information*
a sensor unit for sensing ambient states and changes of states;	*Ryngler teaches the use of sensors to identify states and changes of state (see Ryngler, abstract, paragraph 129 and paragraph 134)*
an actuator unit for outputting various categories of information in correspondence to the ambient states and changes of states; a display for displaying visual information; and	*Ryngler teaches the output of various categories of information in response to states and changes of state and the display of said information (see Ryngler, abstract and paragraph 129)*
a computer for processing signals output by the sensor and displaying corresponding actuation information to the actuator and the display,	*Ryngler teaches that state information can be displayed and used to actuate alarms and thermostats (see Ryngler, paragraph 129)*
wherein the computers in a group of smart digital modules coordinate their	*Ryngler teaches the coordination of observations and reactions that change*

observations and reactions in such a way that they change states of information output by the actuators and visualized by the displays according to the detected user's location and states sensed by the sensors,	states of information output by actuators and visualized by displays according to the detected user's location and state sensed by sensor (see Ryngler, abstract and paragraph 129)
and the computer generates a large visual information display across the smart digital module when the user's location sensed by the sensor unit is found to be far with reference to the smart digital module.	Simple use of state information to actuate an increase in size of a display – similar to actuation of an alarm or thermostat based on state information (see Ryngler, paragraph 129)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/054,109 was apparently not considered. As a result, a large organization received a patent for an invention that does not appear to be novel.

25) *"Context and Cognition: Knowledge frames and speech act comprehension" by Teun A. Van Dijk (hereinafter "Van Dijk") is well-known to those of average skill in the art of cognitive modeling and semantics. Van Dijk gives a theoretical account of speech act comprehension that relies on an assumed cognitive representation of a pragmatic context. Van Dijk teaches that speech comprehension is supported by systems of beliefs, systems of wants, systems of wishes, systems of preferences, systems of norms, systems of values, and a system of conventional knowledge. Van Dijk teaches that these systems are studied in artificial intelligence under the label of frames. Van Dijk also teaches that speech cognition depends on a series of social frames such as "ticket inspection" and "meeting someone" where members are assigned specific functions/positions/properties and relations for each social context. More in particular, Van Dijk teaches that social frames regulate which kinds of acts may be performed.*

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Van Dijk was not cited during the prosecution of application 09/992,816. The application matured into U.S. Patent 7,099,829. A table containing a representative claim and the well-known prior art (Van Dijk) that was apparently not considered is shown below.

Claim map for application 7,099,829 and Van Dijk	
8. A system for providing speech recognition system information, the system comprising:	Van Dijk describes how speech is recognized by a cognitive system
an empirical analyzer for performing an empirical analysis of a plurality of system user actions and inputs to determine a plurality of different trigger events that cause operating states of the speech recognition system to change in response thereto; and	Van Dijk teaches that the act of speech, the events/actions that immediately precede the speech act and prior cognitive states and events lead to changes in the state of a cognitive speech recognition system (see Van Dijk, page 218)

a single graphical user interface configured to display all context dependent frames of selected items of speech recognition system state information in said speech recognition system, wherein said single graphical user interface is further configured to dynamically and individually present at different times selected ones of said plurality of context dependent frames in response to said different trigger events detected in said speech recognition system, wherein at least one trigger event comprises an automatic user-independent event,	Van Dijk teaches that each different social context defines a cognitive speech recognition state that is organized by a plurality of social frames dependent on said social context and one or more trigger events. For example in the social context of a court proceeding there would be a charge-frame, a defense-frame and a judgment frame (see Van Dijk, pages 219 and 220)
wherein the context dependent frames dynamically presented in the single graphical user interface include a frame containing a list of valid speech recognition commands for a current speech recognition system state and a frame containing a list of alternative text selections for a previously spoken word for which a speech-recognition operation has been performed;	Van Dijk teaches that the context dependent social frames regulate which kinds of acts (e.g. commands) may be performed as well as defining positions, properties, relations and functions of the members of said frame. It would be obvious to use this information to refine a list of alternative text selections (see Van Dijk, pages 219 and 220)
and wherein each frame presented is uniquely associated with a specific trigger event and individually presented separate from other frames.	Van Dijk teaches that the context dependent social frames are uniquely associated with a specific trigger event and that they can be presented separately from other frames (see Van Dijk, pages 221 through 223)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/992,816 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

26) "Experiences of Developing and Deploying a Context-Aware Tourist Guide: The GUIDE Project, MOBICOM 2000, Boston, MA, pg. 20-31" (hereinafter "Cheverst or GUIDE") is well-known to those of average skill in the art. Among other things, Cheverst teaches the use of a fixed set of responses to expected situations to guide the tourists in a city and the development of a map of the best route for touring the city (see Cheverst, Figure 4). U.S. Patent Application 2003/0182394 (hereinafter "Ryngler") is well-known to those of average skill in the art. Ryngler describes a context engine that reviews information about an entity obtained from sensors, interpreters and databases after the relationship between the entities and states has been specified. Ryngler analyzes said information with the context engine to update the classification of the current state of a user. The state comprises one or more of three types of relationships: relationship of an entity to state (Tim (entity) is at lunch (state)), relationship of an entity to another entity (Tim (entity) is in (relationship) New York (entity)),

and/or the relationship of a state to a relationship between two entities (Tim (entity) at lunch (state) in (relationship) New York (entity)). The information about entities, states and/or relationships developed by the context engine is provided to context aware applications. Ryngler also enables context aware applications by supporting the use of predefined combinations of entities, states and relationships called "context packs".

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O did not consider Cheverst and/or Ryngler to be relevant to an application filed on behalf of SAP (11/184,731) which teaches the establishment of a fixed set of responses for expected situations. The application matured into U.S. Patent 7,716,278. A table containing a representative claim and the well-known prior art (GUIDE) that was apparently not considered is shown below.

Claim map for 7,716,278, GUIDE and Ryngler	
8. A computer-implemented toolkit for enabling a business application comprising:	
at least one processor:	*GUIDE and Ryngler both disclose systems that use at least one processor which is also well-known in the art*
a memory operatively connected with the at least one processor, the memory including a context repository in which at least two context templates are stored, each of the context templates defining actors in a work context and providing metadata representing a meta-model of a business situation;	*Ryngler teaches the memory storage of context packs which are like templates and define the actors in a work context that represents a meta model of a business situation (see Ryngler, paragraphs 68 and 152). Ryngler also teaches activity templates and appointment templates (see Ryngler pages 85 – 88)*
an action repository in which at least two action definitions are stored, the action definitions defining at least an input or output of a service and a context instantiation component for instantiating a context based on a context template stored in the context repository;	*GUIDE teaches an information model that stores active components that are capable of performing specific actions or satisfying requests (see GUIDE page 25). Ryngler teaches the use of an action tier that combines instantiated context states in order to determine the actions that should be taken to modify an application (see Ryngler paragraph 230)*
an action association component for associating at least one action definition with the instantiated context; and a mapping component for mapping at least one parameter of the instantiated context with at least one input or output of the associated action definitions and for using the parameter as input to the service or outputting data from the service to the parameter.	*Ryngler teaches the use of an action tier that combines instantiated context states in order to determine the actions that should be taken (see Ryngler paragraph 230). GUIDE teaches the use of context parameters (i.e., location) to trigger the output from an active component to complete actions such as identifying nearby attractions (see GUIDE page 27)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/184,731 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

27) *"SEmantic portAL - The SEAL approach, March 27, 2001, pg. 1-27" (hereinafter "SEAL") is well-known to those of average skill in the art. Among other things, SEAL teaches the use of semantic similarity measure to support information retrieval. U.S. Patent 6,332,1163 (hereinafter "Bowman Amuah") is well-known to those of average skill in the art. Among other things Bowman Amuah teaches the use of xml documents for data storage and in search as well as teaching a variety of search methods.*

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O. did not consider SEAL or Bowman Amuah to be relevant to an application filed on behalf of Autonomy (09/872,938) that relies on semantic similarity measures to support information retrieval. The application matured into U.S. Patent 7,272,594. It is also worth noting at this point that there are a large number of other issued patents that appear to be invalid for failing to consider SEAL. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,272,594, SEAL and Bowman Amuah	
21. A method, comprising:	
receiving a reference extensible markup language document as a first input to an engine;	Bowman Amuah teaches the use of extensible markup language documents in search engines (see Bowman Amuah C41, L15)
specifying one or more fields but less than all of the fields in the reference extensible markup language document as a second input to an engine;	Bowman Amuah teaches the use of a short list of words to identify and return documents (see Bowman Amuah C55, L4 - 35)
generating a representation of the reference extensible markup language document, wherein the representation includes a set of terms and one or more weighted values associated with each term in the set of terms from the reference extensible markup language document but less than all of the terms from the reference extensible markup language document;	SEAL teaches a portal builder that generates a representation or model of web pages that serve query needs (see SEAL, page 12). Bowman Amuah teaches that extensible markup language is used to store data in web pages (see Bowman Amuah C41, L3)
generating a list of related documents ranked based upon their semantic similarity to content in the one or more specified fields in the representation of the reference extensible markup language document;	SEAL teaches that searching and querying is performed via a query module. In addition, the user can ... rank retrieved results according to semantic similarity (see SEAL, paragraph 4, page 10)
mapping a link to point to a relevant field within a related document based on the	Bowman Amuah teaches attribute search that finds the values of specially identified

relevance to the first representation of content associated with the one or more specified fields of the reference extensible markup language document for each of the one or more related documents to the query; and	fields within a document (see Bowman Amuah C55, L4 - 35). SEAL teaches generating links between lexical entries and instances or concepts via a membership function (see SEAL page 6)
generating a link to each related document in the list, wherein the link for that document points to a relevant field within that related document.	Bowman Amuah teaches attribute search that finds the values of specially identified fields within a document (see Bowman Amuah C55, L4 - 35). SEAL also teaches graph-based semantic hyper-linking, based on ontological relations between concepts (see SEAL page 12)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/872,938 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

28) *"Improving Level of Service for Mobile Users Using Context Awareness", Proceedings of the 18th IEEE Symposium on Reliable Distribution Systems, Lausanne, Switzerland, Oct. 19-22, 1999 (hereinafter "Couderc") is well-known to those of average skill in the art. Couderc teaches using a layered software application to pass location information, bandwidth information and weather information to a browser in a mobile phone. As is well-known in the art, browsers are the user interface for many applications.*

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O did not consider Couderc to be relevant to an application filed on behalf of SAP (10/134,673) for an invention that passes location information to the user interface in a mobile phone. The application matured into U.S. Patent 7,020,494. It is also worth noting at this point that there are a number of other issued patents that appear to be invalid for failing to consider Couderc. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,020,494 and Couderc	
17. A method of modifying a user interface using location context information, the method comprising:	Couderc teaches a method for modifying a user interface (i.e., a browser) using location context information
identifying the location of a mobile device;	Couderc teaches the identification of the location of a mobile device (see Couderc page 1 and page 4)
retrieving information corresponding to the location of the mobile device;	Couderc teaches the retrieval of information corresponding to the location of the mobile device (see Couderc, page 6)
populating a user input field of a user interface associated with a business process	Couderc teaches the user of a selection manager that controls the display of

application operating on the mobile device using the retrieved information, the user input field being populated by a user of the user interface after the user interface is displayed; and displaying the user interface with the populated user interface field on the mobile device.	*information by a mobile device to a user based on changes in the users context. (see Couderc, page 6 and page 8)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/134,673 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

29) U.S. Patent 6,088,678 (hereinafter "Shannon") is well-known to those of average skill in the art. Shannon describes a computer-implemented process simulation tool that relies on a software engine that uses historical data stored in data matrices to calculate the resources (time and money) required to complete a project and the risks associated with completing said project. Published patent application 2005/0119959 teaches an innovative system for determining the impact of a project on the sponsoring organization's value and risk by segment of value. The current operation segment of value comprises the NPV of the sponsor's forecast cash flow.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Shannon or 2005/0119959 to be relevant to an application filed on behalf of Accenture (11/436,978) that relies on using historical data to manage projects by completing a variety of activities, including forecasting project costs, monitoring time requirements, and/or managing risk. The application matured into U.S. Patent 7,769,684. A table containing a representative claim and the well-known prior art (Shannon and Salas) that was apparently not considered is shown below.

Claim map 7,769,684, Shannon and 2005/0119959	
7. A computer-implemented project risk assessment system comprising:	*Shannon teaches a computer implemented project risk assessment system*
means for receiving and storing project data, wherein said project data defines the net present value (NPV) of a project over time period;	*Shannon teaches an invention with the means for receiving and storing project data that could define the net present value of the project over time. Stored data includes benefits, costs, schedule of each step (see Shannon C5, L3 – 20 and claim 1). Calculating NPV from said information is well-known in the art (see item 7 below for specific references)*
means for identifying a plurality of project risks using said project data;	*Shannon teaches an invention with the means for identifying project risks from the stored data (see Shannon C5, L3 – 20 and claim 1)*

means for defining an impact to the NPV and a probability of occurrence for each of the project risks;	*Shannon teaches determining a probability of occurrence (see Shannon C7, L15). 2005/0119959 teaches calculating the impact to the NPV of risks (see paragraphs 50 and 51)*
means for continuously prioritizing each of the project risks in real-time according to the risks' respective impacts to NPV and probability of occurrence; means for continuously selecting the project risk with the greatest priority in real-time, means for planning a response to the selected project risks; means for monitoring said project and said response in real time;	*2005/0119959 teaches a method for prioritizing risks, planning a response to said risks by selecting on or more features or feature options and monitoring the response of the projected value and risk to said changes (see paragraphs 130 through 139)*
means for generating: an avoided risks total impact figure based on the risks avoided by adopting the response; an expected risks total impact figure based on the risks expected by adopting the response; and	*Shannon teaches a method for determining the impact of changes in the project (see Shannon, C3, L3). 2005/0119959 also teaches a method for determining the impact of changes in the project(see paragraph 141 through 143)*
a total benefit for the project, the total benefit being calculated by subtracting the avoided risks total impact figure from the expected risks total impact figure; and	*2005/0119959 teaches a method for determining the total benefit of the project (see paragraphs 130 through 141)*
means for generating a risk prioritization matrix and categorizing the risk within a region of the risk prioritization matrix based on the NPV and the probability of occurrence, wherein the response is based on the region where the risk is categorized	*Shannon teaches the use of matrices that can be used to prioritize risks based on the elements that comprise NPV (see Shannon C5, L3 – 20 and claim 1). 2005/0119959 teaches a method for developing a matrix that could be used for risk prioritization based on NPV and risk categorization (see FIG. 7)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/436,978 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

30) U.S. Patent 7,409,357 (hereinafter "Schaf") is well-known to those of average skill in the art. Among other things, Schaf teaches calculating loss distributions. U.S. Patent 6,876,992 (hereinafter "Sullivan") is also well-known to those of average skill in the art. Among other things, Sullivan teaches the development of risk models. Asset Reliance application 09/994,740 was published as United States Patent Application 2004/0215551. It discloses a method for using simulation in risk assessment by enterprise in an organization.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Sullivan, Schaf or Application 2004/0215551 to be relevant to an application filed on behalf of Algorithmics (12/365,961) that relies on risk

distribution simulations to measure operational risk. The application matured into U.S. Patent 7,778,856. A table containing a representative claim and the well-known prior art (Shannon and Salas) that was apparently not considered is shown below.

Claim map 7,778,856, Sullivan, Schaf and 2004/0215551	
13. A method of measuring and managing operational risk within a firm, wherein a computer processor executes instructions of the method, the method comprising:	Schaf teaches a method of measuring and managing operational risk within a firm, wherein a computer processor executes instructions of the method (see Schaf abstract)
defining by the processor a plurality of reporting hierarchies, wherein said reporting hierarchies are composed of operational units;	2004/0215551 teaches the definition of operational unit reporting hierarchies within an organization (see paragraph 118 and Table 15)
associating by the processor operational risk data to one or more of said operational units, wherein said operational risk data comprises loss data;	2004/0215551 teaches associating risk data with operational units (see paragraphs 140 and 141)
calibrating by the processor loss process distributions and estimating a plurality of loss process attributes, wherein said calibrating comprises fitting one or more models for said loss process distributions to said loss data to generate calibrated loss process distributions, wherein each of said one or more models comprises a distribution functional form, and wherein said calibrated loss process distributions comprise one or more distribution functional forms and parameters therefor;	Schaf teaches calibrating loss process distributions and estimating a plurality of loss process attributes where said calibration comprises fitting one or more models (see Schaf reference numbers 602, 604 and 608 in FIG. 45). Sullivan also teaches the development and use of risk distributions in evaluating loss attributes (see Sullivan claim 5)
defining a plurality of scenarios, wherein said plurality of scenarios comprises said plurality of loss process attributes; simulating said calibrated loss process distributions over a plurality of scenarios to generate a loss distribution for each of said one or more operational units, wherein said loss distribution generated for each of said one or more operational units comprises estimates of future loss events;	2004/0215551 teaches defining a plurality of scenarios, wherein said plurality of scenarios comprises said plurality of loss process attributes; simulating said calibrated loss process distributions over a plurality of scenarios to generate a loss distribution for each of said one or more operational units, wherein said loss distribution generated for each of said one or more operational units comprises estimates of future loss events (see paragraphs 287 through 290)
storing loss data associated with said loss distribution generated for one or more operational units in a storage medium;	2004/0215551 teaches storing loss data associated with said loss distribution generated for one or more operational units in a storage medium (see paragraphs

	287 through 295);
and producing at least one risk measure using said loss distribution generated for one or more operational units, wherein said risk measure is a measure of operational risk.	*2004/0215551 teaches producing at least one risk measure using said loss distribution generated for one or more operational units, (see paragraph 291). Schaf teaches the development of measures of operational risk (see Schaf, reference number 610)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 12/365,961 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

31) Published Patent Application 2003/0208427 (hereinafter "Peters") is well-known to those of average skill in the art. Peters describes an invention that assesses a client's current portfolio holdings in order to develop an investment risk profile, compares investment risk classifications based upon portfolio holdings and recommends specific portfolio changes based on asset classes to create an optimized portfolio for the client's investment risk profile. In particular, Peters describes the development of an efficient frontier coupled with a specific portfolio selection that recognizes the investors risk preferences. U.S. Patent 5,812,988 (hereinafter "Sandretto") is also well-known to those of average skill in the art. Sandretto describes an invention that combines asset cash flow forecasts and financial statement forecasts for assets with known cash flows with pre-determined risk return models in iterative loops to estimate actual asset values in a world where assets are completely independent and "efficiently priced". In particular, this invention relates to an iterative process to estimate a discount rate (and risk) for each of two or more assets in a portfolio with a known value.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O. did not consider Sandretto or Peters to be relevant to application 09/776,379 that describes an invention that recommends changes in portfolio mix to align with an investor profile. The application matured into U.S. Patent 7,536,332. A table containing a representative claim and the well-known prior art (Sandretto and Peters) that was apparently not considered is shown below.

Claim map for 7,536,332, Sandretto and Peters	
1. A method for portfolio management comprising:	*Peters teaches a method for portfolio management (see Peters, abstract)*
receiving at a computer server from at least one client system associated with an investor, a plurality of investment parameters comprising investment planning horizon, risk tolerance or target risk level, target investment returns, a preferred cash allocation, a strategy of portfolio rebalance, and investment styles based on at least of market value, fundamental or technical	*Peters teaches receiving at a computer server from at least one client system associated with an investor, a plurality of investment parameters comprising investment planning horizon, risk tolerance or target risk level, target investment returns, a preferred cash allocation, a strategy of portfolio rebalance, and investment styles based on at least of*

criteria, and user-defined securities;	market value, fundamental or technical criteria, and user-defined securities (see Peters, FIG. 1, FIG. 4a, paragraphs 16, 25, 26, 29, 66, 67 and 69)
responsive to the receipt of said investment parameters, said computer server sending queries to database server system, thereby selecting a list of initial candidate securities based on one or more received said investment parameters; receiving at the computer server said list of selected initial candidate securities from the database server; obtaining at the computer server real time and historical market price data for each of initial candidate securities in the list; inputting said received real time and historical market price data and investment parameters into a mathematical algorithm stored in the computer server; generating an optimal investment portfolio, wherein said optimal investment portfolio is generated based upon said real time and historical market price data and said plurality of investment parameters received from said investor and wherein said optimal investment portfolio optimizes risk and return on the portfolio;	Peters and Sandretto teach the use of said investment parameters to select list of initial candidate securities based on one or more received said investment parameters; receiving at a computer said list of selected initial candidate securities from the database server; obtaining at the computer real time and historical market price data for each of initial candidate securities in the list; inputting said received real time and historical market price data and investment parameters into a mathematical algorithm stored in the computer; and generating an optimal investment portfolio, wherein said optimal investment portfolio is generated based upon said real time and historical market price data and said plurality of investment parameters received from said investor and wherein said optimal investment portfolio optimizes risk and return on the portfolio (see Peters FIG. 2b, FIG. 3, FIG. 7, paragraphs 70 and 80 through 91, also see Sandretto C15, L50 for real time and historical price feeds)
retrieving said investor's existing portfolio of a plurality of securities positions in terms of price and the number of shares from a database linked to said computer server;	Peters teaches retrieving said investor's existing portfolio of a plurality of securities positions in terms of price and the number of shares from a database linked to a computer (see Peters, FIG. 3)
evaluating by the computer server, said optimal investment portfolio with respect to the return on a domestic market index portfolio, wherein said domestic market index portfolio is constructed as an optimal linear combination portfolio of a plurality of predefined investment style indices returns, each one of said investment style indices being calculated as an optimal portfolio of all listed securities satisfying corresponding investment style index criteria;	Sandretto uses a computer to evaluate portfolio returns with respect to the return on a domestic market index portfolio, wherein said domestic market index portfolio is constructed as an optimal linear combination portfolio of a plurality of predefined investment style indices returns, each one of said investment style indices being calculated as an optimal portfolio of all listed securities satisfying corresponding investment style index criteria (see Sandretto, FIG. 10, C4, L35,

	C5, L5 through L35, C9, L10; C12, L35)
comparing by the computer server, said optimal investment portfolio with said market index portfolio in terms of risks, returns and likelihood of satisfying investment goals as specified in the received investment parameters;	*Peters and Sandretto teach comparing by the computer an optimal investment portfolio with said market index portfolio in terms of risks, returns and likelihood of satisfying investment goals as specified in the received investment parameters (see Peters FIG. 2b, FIG. 3, FIG. 7, paragraphs 20, 25, 80 through 91 and Sandretto, FIG. 10, C4, L35, C5, L5 through L35, C9, L10; C12, L35 and C20, L55)*
based on outcome of said comparison, generating by the computer server, an alternative scenario portfolio which rebalances said the investor's existing portfolio under a preset rebalancing strategy relative to said optimal scenario portfolio in accordance with said user-defined investment parameters and market conditions, wherein said alternative scenario portfolio forms basis for rebalancing said investor's portfolio stored in said database, and is comprised of a plurality of identified securities with associated quantity of shares to be traded;	*Peters teaches generating by the computer, an alternative portfolio which rebalances said the investor's existing portfolio under a preset rebalancing strategy relative to said optimal scenario portfolio in accordance with said user-defined investment parameters and market conditions, wherein said alternative portfolio forms basis for rebalancing said investor's portfolio stored in said database, and is comprised of a plurality of identified securities with associated quantity of shares to be traded (see Peters FIG. 2b, FIG. 3, FIG. 7, paragraphs 20, 25, 70, 80 through 91)*
executing trades using the computer server, for each of identified securities based upon said alternative scenario portfolio thereby rebalancing the investor's existing portfolio;	*Peters teaches executing trades using the computer, for each of identified securities based upon an alternative scenario thereby rebalancing the investor's existing portfolio (see Peters paragraphs 70 through 75 for a description of the trade execution module)*
updating said investor's existing portfolio in said database with the updated rebalanced portfolio.	*Peters teaches updating said investor's existing portfolio in said database with the updated rebalanced portfolio (see Peters, paragraph 73)*

End result: *Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/776,379 was apparently not considered. As a result a patent was issued for an invention that does not appear to be novel.*

32) *Published Patent Application 2003/0208427 (hereinafter "Peters") is also well-known to those of average skill in the art. Peters describes an invention that assesses a client's current portfolio holdings in order to develop an investment risk profile, compares investment risk classifications based upon portfolio holdings, and recommends specific portfolio changes based on asset classes to create an optimized portfolio for the client's investment risk profile.*

In particular, Peters describes the development of an efficient frontier coupled with a specific portfolio selection that recognizes the investors risk preferences.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that the Examiners at the U.S.P.T.O. did not consider Peters to be relevant to an application (09/930,786) filed on behalf of Accenture that supports the creation of an optimized portfolio for the client's investment risk profile. The application matured into U.S. Patent 7,831,494. A table containing a representative claim and the well-known prior art (Fisher, Williams, Sandretto and Peters) that was apparently not considered is shown below.

Claim map for 7,831,494 and Peters	
16. A system for providing remote web-based financial portfolio coaching comprising:	Peters describes a web-based investment advisory system that helps deliver personalized investment advisory services to investors
at least one memory to store data and instructions; and at least one processor configured to access the at least one memory and execute instructions to:	Peters teaches a well-known computer system with memory and a processor
receive a selection, from a user, of a service agreement for the user, wherein the selected service agreement is chosen from a plurality of different service agreements providing various service levels related to portfolio modeling and coaching, and wherein the various service levels define distinct combinations of support, financial models, portfolio modeling, and coaching services to the user;	Peters describes the delivery of different combinations of personalized investment advisory services including risk assessment, portfolio evaluation and portfolio construction (see Peters, paragraph 3 and paragraphs 20 through 22)
identify a current financial portfolio for the user;	Peters describes the identification of the current financial portfolio for the user (see Peters reference number 118, FIG. 1)
generate, based upon a financial model selected from a set of financial models defined by the selected service agreement, a user profile based on personal financial parameters of the user, wherein the user profile includes at least a risk tolerance level;	Peters describes generating a user profile based on the personal financial parameters of the user where the profile includes a risk tolerance (see Peters reference number 112, FIG. 1). Sandretto describes the selection of a model from a set of models (see Sandretto, C17, L11)
providing, via an internet connection, automated financial coaching in a natural language format; and	Peters describes a flexible system that allows the user to select the language used for communication (see Peters paragraphs 18, 24 and 56)
providing, to the user, recommended changes to the current financial portfolio based on the user profile and the distinct	Peters describes the identification of recommended changes to the current portfolio based on the user profile where

combination of services defined by the selected service agreement, including providing customized financial coaching tailored to life intentions of the user and providing suggestions of financial products and recommended securities for the user to purchase.	the recommended changes identify securities to purchase (see Peters reference number 126, FIG. 1)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/930,786 was apparently not considered. As a result, a patent was issued to a large well-known company for an invention that does not appear to be novel.

33) *U.S. Patent 6,012,053 (hereinafter "Pant") is well-known to those of average skill in the art. Pant describes a mechanism through which results from a search query are ranked according to user specified relevance factors to allow the user to control how the search results are presented. In particular, the Pant invention provides the user with the ability to assign weights to different attributes of the search results, generate a score for each item in the results using said weights and then present results ranked according to the score.*

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Pant to be relevant to an application filed on behalf of JP Morgan Chase (11/686,494) for an invention that allows the user to enter a set of criteria of their choice with desired ranges and a weighting factor to be applied to the criteria. The user criteria and weightings are used to define a match score that controls how the results are displayed. The application matured into U.S. Patent 7,433,840. A table containing a representative claim and the well-known prior art (Pant) that was apparently not considered is shown below.

Claim map for 7,433,840 and Pant	
8. A method for multivariable comparison of financial information to generate search results based on user-selected quantitative search criteria and user-selected weighting criteria, comprising:	Pant teaches the generation of search results based on user-selected search criteria and user-selected weighting criteria (see Pant, abstract)
a) receiving weightable search information from a client interface, the weightable search information comprising user-selected quantitative search criteria and user-selected weighting criteria, the weighting criteria reflecting user-defined levels of importance for one or more of the quantitative search criteria;	Pant teaches that results from a search query are ranked according to <u>user-specified relevance factors</u> (corresponds to search criteria) <u>and weights</u> (see Pant, abstract, FIG. 1 and C1, L53 – 61)

and b) accessing at least one network-enabled information source comprising financial information regarding a plurality of financial products, each financial product having multiple quantitative variables associated therewith; c) comparing the quantitative variables with the user-selected quantitative search criteria and the user-selected weighting criteria;	*Pant teaches a relevance determination module having a first input for receiving a set of search results from a query indicating items in the collection matching the query, a second input for receiving an indication of relevance factors specified by a user, and a third input for receiving information about the items in the set of search results to which relevance factors may be applied. This module has an output for providing an indication of a score indicative of relevance for each of the items in the set of search results (see Pant, C2, L29 − 38)*
d) generating search results comprising: a first set of financial products that do not satisfy all of the user-selected quantitative search criteria, but which satisfy the overall user-defined criteria based on the combination of the user-selected weighting criteria and the user-selected quantitative criteria, wherein the search results indicate the level the search results match the weighted criteria;	*Pant teaches a sorting module that has an input which receives the score associated with each item and an indication of the set of search results, and an output providing to the user an indication of the items in the set of search results in an order ranked according to the relevance score of each item which is an indication of the level which the search results match the weighted criteria (see Pant, C2, L38 − 43)*
e) performing subsequent searches comprising: searching within stored results of a prior search to restrict search results; interrogating at least one network-enabled information source to expand search results; recalculating and re-presenting the result indicators which provide a quantitative indication of how well the search results match the weighted criteria.	*Obvious repeat of process described above for revised criteria. As noted previously the relevance module has an output for providing an indication of a score indicative of relevance for each of the items in the set of search results (see Pant, C2, L29 − 38)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/686,494 was apparently not considered. As a result, a patent was issued for an invention that does not appear to be novel.

34) U.S. Patent Application 2003/0182394 (hereinafter "Ryngler") is well-known to those of average skill in the art. Ryngler describes a context engine that reviews information about an entity obtained from sensors, interpreters and databases, after the relationship between the entities and states has been specified. Ryngler analyzes said information with the context engine to update the classification of the current state of a user. The state comprises one or more of three types of relationships: relationship of an entity to state (Tim (entity) is at lunch (state)), relationship of an entity to another entity (Tim (entity) is in (relationship) New York (entity)), and/or the relationship of a state to a relationship between two entities (Tim (entity)

at lunch (state) in (relationship) New York (entity)). The information about entities, states and/or relationships developed by the context engine is provided to context aware applications. Ryngler also enables context aware applications by supporting the use of predefined combinations of entities, states and relationships called "context packs".

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Ryngler to be relevant to an application filed on behalf of Nokia (10/817,401) that uses a context engine to review sensor information and manage the exchange of context related information with a user. The application matured into U.S. Patent 7,603,112. A table containing a representative claim and the well-known prior art (Ryngler) that was apparently not considered is shown below.

Claim map for 7,603,112 and Ryngler	
1. A mobile station comprising:	Ryngler teaches a system for supporting mobile applications (see FIG. 1)
a context engine configured to store context-related information, the context-related information having been created based upon at least a portion of at least one condition measured by at least one sensor, wherein the context engine is also configured to manage an exchange of the context-related information with at least one context consumer;	Ryngler teaches a context engine configured to store context-related information, the context-related information having been created based upon at least a portion of at least one condition measured by at least one sensor, wherein the context engine is also configured to manage an exchange of the context-related information with at least one context consumer (see Ryngler, abstract, FIG. 7)
a communication manager configured to communicate with at least one context consumer to receive at least one context rule and exchange context-related information, the at least one context consumer located external to the mobile station, wherein at least one context rule includes at least one condition value relating to at least a portion of context-related information, and at least one action to be performed; and	Ryngler discloses communicating with at least one context consumer to receive at least one context rule to exchange context information where the context rule includes at least on condition value relating to a portion of the context related information (see Ryngler paragraphs 264, 287 and 312 and FIG. 34, FIG. 53 and FIG. 54)
a script engine configured to execute at least a portion of at least one context rule, including being configured to perform at least a portion of a respective at least one action, based on a comparison of the respective at least one condition value and the at least one condition measured by the at least one sensor.	Ryngler teaches the use of an action tier that combines instantiated context states in order to determine the actions that should be taken in accordance with a rule (see Ryngler paragraph 230, 264, 287 and 312 and FIG. 34, FIG. 53, FIG. 54 and FIG. 55)

End result: Well-known prior art that would normally be used by someone of average skill in

the art to render obvious application 10/817,401 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

35) U.S. Patent 6,330,546 (hereinafter "Gopinathan") is well-known in the art. Gopinathan teaches the use of self- trainable, non-linear statistical models to create risk scores. U.S. Patent 6,948,656 (hereinafter "Williams") is also well-known in the art and teaches the use of risk factors to calculate risk scores. U.S. Patent 7,006,992 (hereinafter "Packwood") is similarly well-known in the art. Packwood teaches the identification of risk factors and the identification of their immediacy value to the business. United States Patent 7,171,385 (hereinafter "Dembo2") is also well-known in the art. Among other things, Dembo2 teaches mapping data for risk analyses. Caouette is also well-known in the art and it teaches the use of risk scores for evaluating risk associated with assets, companies and countries.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Gopinathan, Williams, Packwood or Caouette to be relevant to application 11/440,191 that describes an invention for using risk factors to develop risk scores. The application matured into U.S. Patent 7,752,125 that is assigned to Agiliance. A table containing a representative claim and the well-known prior art (Dembo, Gopinathan, Williams and Caouette) that was apparently not considered is shown below.

Claim map for 7,752,125, Gopinathan, Williams, Packwood, Dembo2 or Caouette	
1. A computer implemented method of automatically assessing risk associated with one or more assets, comprising the steps of:	Gopinathan teaches a method of automatically assessing risk associated with one or more assets
providing a compliance management system on said computer, wherein said computer is connected to a network comprising said assets for allowing said compliance management system to access said network; discovering said assets on said network by an asset module of the compliance management system, wherein said discovered assets comprise one or more previously discovered assets and recently added assets; selecting an asset from the discovered assets through said compliance management system, wherein the asset comprises one or more attributes, and wherein the asset and the attributes associated with the asset are automatically reported back to the compliance management system;	This portion of the claim describes the use of a computer system to support the discovery, identification and selection of assets which have previously or recently been added to a system which is well-known in the art
collecting a plurality of risk factors associated with said selected asset through an interface module associated with the	Packwood teaches the identification of risk factors and the identification of their immediacy value to the business (see

compliance management system, wherein one or more of said risk factors are collected in real-time by a risk management module of the compliance management system;	Packwood, abstract and claim 1). This portion of the claim generally describes the use of a computer system to collect data which is well-known in the art
mapping the collected risk factors to a plurality of risk factor values that are input to a non-linear statistical data model;	Dembo2 teaches RiskMapper which is designed as a flexible mapping tool that maps data into an input format suitable for a risk analysis (see Dembo2, C8, L50 through L57)
calculating a risk score based on one or more of said mapped risk factor values using the non-linear statistical data model, wherein said non-linear statistical data model is self-trainable using a feedback mechanism; and	Gopinathan teaches the use of self-trainable, non-linear statistical models to calculate risk scores (see Gopinathan, claims 44 and 67). Williams teaches the use of risk factors to determine risk scores (see Williams, claims 35 and 36)
automatically assessing said risk using said calculated risk score; whereby the calculated risk score allows automatic assessment of the risk associated with one or more of the assets.	Caouette teaches the use of risk scores for evaluating risk associated with assets (see Caouette, page 139)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/440,191 was apparently not considered. As a result, a large company received a patent for an invention that does not appear to be novel.

36) *"Workflow Context as a Means for Intelligent Information Support"* (hereinafter *"Maus"*) is well-known to those of average skill in the art. Among other things, Maus teaches a *Workflow Management Systems (WfMS)* that comprises process model for providing intelligent information support.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Maus to be relevant to application 11/311,901 that describes an invention for using a process model. The application matured into U.S. Patent 7,543,292 that is assigned to SAP. A table containing a representative claim and the well-known prior art (Maus) that was apparently not considered is shown below.

Claim map for 7,543,292 and Maus	
1. A computer system for controlling a workflow process, comprising:	Maus teaches a computer system for controlling a workflow process
a process modeling unit configured to define a process model with at least a first task and a second task, wherein the second task needs to comply with a control aspect and depends on the first task, and further configured to insert into the process model a control task between the first and the second task,	Maus teaches a process model that defines what, when, how, by whom, and with which data work has to be done. The process model is comprised of activities or tasks that define how the work is actually done and a control flow that defines the sequence of activity execution. The control

wherein the control task at design time is a generic task included in anticipation of a control aspect specific function being required during runtime to support a control decision with respect to the control aspect, and thereby enforce the control aspect on the second task by using a control service of a subsystem from among a plurality of control services; and	flow provides a plurality of control services that would support a control decision with respect to the control aspect and thereby enforce the control aspect on a second task (see Maus, page 2)
a process execution unit having access to a generic control context that includes generic control metadata relevant to selection and implementation of the plurality of control services, the process execution unit configured to generate a process model instance from the process model and to instantiate the control context to obtain a control context instance that includes current values of the generic control metadata existing in conjunction with execution of the process model instance, thereby representing a current state of the process model instance, the process execution unit being further configured to execute the process model instance at runtime, including executing the control task instance by using the control context instance to determine the control aspect specific function needed to support the control decision, and to thereby invoke the control service according to the control aspect.	Maus teaches a workflow engine that executes a workflow instance according to the process model specification, identifies the current state of the workflow and invoke the control service according to the control aspect (see Maus, page 2). Maus also teaches the use of an Organization Memory that models metadata, information content and information context on the basis of formal ontologies (see Maus, page 8)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/311,901 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

37) The Acute Physiological And Comprehensive Health Evaluation (APACHE) test which was first developed in 1981 and steadily improved over the years is well-known to those of average skill in the art. Cerner bought the main company selling APACHE systems and introduced APACHE IV in 2004 for use in treatment management. Lyapunov analysis has similarly been well-known to those of average skill in the art since the 1970's. For example, U.S. Patent 6,993,377 (hereinafter "Flick") teaches the use of Lyapunov analysis in determining the likelihood of sudden death. U.S. Patent 7,065,405 (hereinafter "Pastore") is also well-known in the art. Pastore teaches spectral analysis in analyzing data associated

with heart arrhythmia which is closely related to mortality risk. In 2001, Dr. Bruce Kehr filed an application (2003/0036683, hereinafter "Kehr") for a database that could be used by APACHE systems and other systems to support treatment protocol customization and by other applications to support mortality monitoring.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider the well-known history of APACHE, the well-known history of Lyapunov analysis and/or Kehr to be relevant to an application (10/988,170) filed on behalf of Cerner that relies on the APACHE methodology to customize treatment protocols. In particular, the Cerner invention analyzes APACHE scores using Lyapunov algorithms to manage mortality treatment. The application matured into U.S. Patent 7,258,667. A table containing a representative claim and the well-known prior art (Kehr) that was apparently not considered is shown below.

Claim map for 7,258,667 and Kehr	
1. A computerized system for effecting a statistical assessment of mortality-predictive patterns in longitudinal time series data from individual persons admitted to hospital-based intensive care, the system comprising:	Kehr teaches a computerized system for effecting a statistical assessment of mortality-predictive patterns in longitudinal time series data from individual persons
an accessing component accessing mortality-predictive serial data received from a plurality of scores;	Kehr teaches accessing mortality predictive data from a plurality of scores such as APACHE (see Kehr, paragraphs 189 and 278)
a performing component performing spectral analysis;	Pastore teaches the use of spectral analysis in analyzing data associated with heart arrhythmia which is a leading cause of mortality (see Pastore, claim 15)
a calculating component calculating a Lyapunov exponent; and an outputting component outputting values for the exponent for at least one point in time in the time series so that the outcome for the individual person may be predicted if the Lyapunov exponent is negative; and	Flick teaches the use of Lyapunov analysis in determining the likelihood of sudden death (see Flick, claim 95)
wherein the computerized system effectuates a statistical assessment of mortality-predictive patterns in longitudinal time series data from individual persons admitted to hospital-based intensive care.	Kehr teaches computerized system that effectuates a statistical assessment of mortality-predictive patterns in longitudinal time series data from individual persons (see Kehr, paragraphs 154 and 395)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/988,170 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

38) *The Capital Asset Pricing Model (CAPM) and the related Efficient Market Hypothesis (EMH aka Modern Portfolio Theory) which teaches mean-variance portfolio optimization are approximately 60 years old and are well-known to those of average skill in the art. Shareholder Value Analysis (SVA) is thirty years old and builds on CAPM and EMH. Perhaps the best known overview of CAPM and EMH is Principles of Corporate Finance by Brealey & Myers. SVA teaches the identification specific financial ratios (i.e.,, sales growth rate, profit margin) called value drivers that will improve shareholder value. Value Based Management (VBM) advances the technique taught by SVA by incorporating historical data and operation linked value drivers to build value driver trees. Perhaps the best known overview of VBM is the article "What is Value Based Management" by Timothy Koller that was first published almost twenty years ago.*

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider the well-known history of the Capital Asset Pricing Model, Efficient Market Hypothesis, SVA, VBM, Brealey & Myers or Koller to be relevant to an application (10/903,488) filed on behalf of Accenture. The application matured into U.S. Patent 7,912,769. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,912,769 Koller and Brealey & Myers	
1. A computer-based system for automated performance evaluation of an organization, the system comprising: a computerized database storing financial information on the organization; a processor for performing instructions for automated performance evaluation of the organization in light of financial information accessed from said computerized database; and communication means connecting said computerized database and said processor, wherein said instructions performed by said processor include	*A well-known computer with software*
an investment return evaluation module, said investment return evaluation module receiving the accessed financial information and calculating a return on invested capital;	*Koller teaches the calculation of return on invested capital – see Koller, Exhibit 3*
an organization β value determination module, said organization β value determination module determining a β value of the organization by (1) identifying comparable businesses that operate in the same field as the organization, (2) determining the β values of the comparable businesses, (3) averaging the β values of the comparable businesses to determine an unlevered β value, (4) estimating an effect of	*The calculation of beta values – levered and unlevered is well-known to those of average skill in the art. See Brealey & Myers pages 157 – 175 and page 360*

the financing structure of the organization using the unlevered β value, and (5) determining a relevered β value for the organization by adding in the effect of the financing structure;	
an investment costs evaluation module, said investment costs evaluation module receiving the accessed financial information and calculating a weighted average cost of capital using the β value of the organization;	The use of beta values to calculate the weighted average cost of capital is well-known to those of average skill in the art. See Brealey & Myers pages 142 – 167
a growth estimation module, said growth estimation module receiving the accessed financial information and calculating a total growth comprising an organic growth and a mergers and acquisitions growth;	Simple, well known, mathematical calculation using previously provided data
an economic performance calculation module, said economic performance calculation module calculating a total return to shareholders using the calculated return on invested capital, the calculated weighted average cost of capital, and the total growth; and	Koller teaches calculating economic performance and returns using return on invested capital, the weighted average cost of capital and growth (see Koller, Exhibit 2)
a lever strength analysis module, said lever strength analysis module identifying at least one financial change to the organization that would improve the total return to shareholders, and identifying at least one business action by the organization that would cause the at least one identified financial change.	Koller teaches the identification of at least one financial change that improves return to shareholders and the identification of at least one action that would cause the identified financial change (see Koller, Exhibit 1)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 10/903,488 was apparently not considered. As a result, a large well-known company received a patent for an invention that does not appear to be novel.

39) The Acute Physiological And Comprehensive Health Evaluation (APACHE) test which was first developed in 1981 and steadily improved over the years is well-known to those of average skill in the art. Cerner bought the main company selling APACHE systems and introduced APACHE IV in 2004 for use in treatment management. Lyapunov analysis has similarly been well-known to those of average skill in the art since the 1970's. Its use in mortality and health care analysis is well-known. For example, Google recently listed 19,700 hits for combination of Lyapunov and health care. In 2001, Dr. Bruce Kehr filed an application (2003/0036683, hereinafter "Kehr") for a database that could be used by APACHE systems and other systems to support treatment protocol customization and by other applications to support mortality monitoring.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider the well-known history of APACHE and/or Kehr to be relevant to an application (11/276,497) filed on behalf of Convergys. The application matured into U.S. Patent 7,599,861. A table containing a representative claim and the well-known prior art (Kehr) that was apparently not considered is shown below.

Claim map for 7,599,861 and Kehr	
1. A system comprising: a) a processor;	*Kehr describes a system that comprises a processor (see Kehr, paragraph 405 and FIG. 29)*
b) a computer memory connected to said processor containing one or more models utilized to process a customer interaction, said customer interaction comprising:	*Kehr describes a computer memory connected to the processor with one or more models used to process a patient interaction (see Kehr, paragraphs 60, 90 and 110)*
i) one or more statements made by a customer; *ii) one or more prompts played for said customer;*	*Kehr describes a system where the patient interaction comprises input from the patient, input from medical devices and one or more prompts for played for the patient (see Kehr, FIG. 3 and paragraph 138)*
c) a set of computer executable instructions stored in said computer memory and configured to: *i) coordinate processing of the customer interaction;* *ii) maintain a set of context information related to said customer interaction;* *iii) create a data record comprising information related to said customer interaction from said set of context information;* *iv) store information from said data record in said computer memory;*	*Kehr teaches a system with computer executable instructions for coordinating processing of the customer interaction; maintaining a set of information related to said customer interaction; creating a data record comprising information related to said customer interaction from said set of information; and storing information from said data record in said computer memory (see Kehr, FIG. 3, FIG. 6, FIG. 21, paragraphs 100, 138, 171, 180 and 181)*
v) utilize information from said data record stored in said computer memory, along with information from a plurality of other data records comprising context information gathered during a plurality of interactions with other customers, to automatically create one or more model updates without involvement from a human being;	*Kehr teaches utilizing information from said data record stored in said computer memory, along with information from a plurality of other data records comprising information gathered during a plurality of interactions with other customers, to automatically create one or more model updates without involvement from a human being (see Kehr, FIG. 3, paragraphs 189 and 278)*
vi) automatically update one or more of said models using one or more of said model updates without involvement from a human	*Kehr teaches updating one or more of said models using one or more of said model updates without involvement from a human*

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being; wherein the set of computer executable instructions is configured to automatically update one or more of said models using one or more of said model updates without involvement from a human being in response to a trigger, wherein said trigger comprises at least one element selected from the group consisting of: i) a usage milestone, wherein the usage milestone is a trigger condition based at least in part on number of interactions processed by the system; ii) the creation of the one or more model updates; and iii) a schedule, wherein the schedule is a trigger condition based at least in part on elapsed time.	being; wherein the set of computer executable instructions is configured to automatically update one or more of said models in response to a trigger, wherein said trigger comprises at least one element selected from the group consisting of: i) a usage milestone, wherein the usage milestone is a trigger condition based at least in part on number of interactions processed by the system; ii) the creation of the one or more model updates; and iii) a schedule, wherein the schedule is a trigger condition based at least in part on elapsed time (see Kehr, paragraphs 55, 56, 62, 189, 278 and 349)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/276,497 were apparently not considered. As a result, a large well-known company received a patent for an invention that does not appear to be novel.

40) U.S. Patent 7,630,986 (hereinafter "Herz") is well-known to those of average skill in the art. Herz describes a system for securely exchanging anonymous and public information and messages about buyer characteristics and preferences with sellers of products and services. The Herz specification also describes the use of collaborative filtering to combine the buyer characteristics and preferences with information about previous buyers to identify products and services that are likely to be of interest to buyers. As is well-known in the art, collaborative filtering identifies items of interest to buyers by assuming that people with similar characteristics and/or preferences will want similar things.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Herz to be relevant to an application (10/557,245) filed on behalf of Rite Solutions. The application matured into U.S. Patent 8,055,535. A table containing a representative claim and the well-known prior art (Herz) that was apparently not considered is shown below.

Claim map for 8,055,535 and Herz	
1. A method for monitoring a customer, said method comprising the steps of:	Herz teaches a system for monitoring and managing parties and a secure data interchange (SDI) between said parties (see Herz, abstract)
receiving a unique anonymous identifier from said customer as part of a current transaction; and	Herz teaches that an important application of SDI is to support a system for business-to-consumer (B2C) e-commerce, where SDI allows individuals to provide vendors

	with access to profile information but retain control over the amount and level of detail that is made available (see Herz, C46, L7 – 14). Herz teaches that the level of detail provided can allow the customer to remain anonymous (see Herz, C45, L64). For example, to assume an anonymous identity an agent for a customer can create a one-time identifier that it uses in interactions with one other agent. The identifier may allow the other agent to respond zero or one times (see Herz C8, L36-39)
linking said current transaction with a prior transaction using said unique anonymous identifier, wherein said unique anonymous identifier is obtained from a token provided with said prior transaction and uniquely identifies said prior transaction, wherein one or more of said steps are performed by a processor.	Herz teaches that the profiles may contain prior transactions (see Herz, C9, L18) and that the user may allow this information to be released to vendors (see Herz, C9, L12 – L36). Herz does not teach tokens however it teaches certificates which perform the same function (see Herz, C8, L24 – C9, L36) and Herz teaches the use of a processor to complete one of more of said steps (see Herz, C14, L19)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/276,497 were apparently not considered. As a result, a large well-known company received a patent for an invention that does not appear to be novel.

41) U.S. Patent Application 2003/0182394 (hereinafter "Ryngler") is well-known to those of average skill in the art. Ryngler describes a context engine that reviews information about entities obtained from sensors, interpreters, and databases, after the relationship between the entities and states has been specified. Ryngler analyzes said information with the context engine to update a classification of the current state of a user. The state comprises one or more of three types of relationships: relationship of an entity to state (Tim (entity) is at lunch (state)), relationship of an entity to another entity (Tim (entity) is in (relationship) New York (entity)), and/or the relationship of a state to a relationship between two entities (Tim (entity) at lunch (state) in (relationship) New York (entity)). The information about entities, states and/or relationships developed by the context engine is provided to context aware applications. Ryngler also enables context aware applications by supporting the use of predefined combinations of entities, states and relationships called "context packs". U.S. Patent Application 2005/0119959 (hereinafter "Eder 2") is well-known to those of average skill in the art. Eder 2 describes a system that develops frames for representing context for an organization, part of an organization, or a combination of organizations before using said context to support a plurality of context aware applications. The context comprises the measures performance situation which generally includes value and risk by segment of value.

The segments of value of comprise the cash flow, real options, investments, derivatives and market sentiment.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Ryngler and/or Eder 2 to be relevant to an application (11/048,699) filed on behalf of SAP. The application matured into U.S. Patent 7,933,863. A table containing a representative claim and the well-known prior art (Ryngler) that was apparently not considered is shown below.

Claim map for 7,933,863 Ryngler and Eder 2	
1. A database management system for managing a database, comprising:	Ryngler teaches the development and management of a database
a database storing a plurality of entities related to each other by a plurality of relations, the plurality of entities representing at least one situation in which a user has been involved;	Ryngler teaches a database for storing a plurality of entities related to each other by a plurality of relations representing at least one situation in which a user has been involved (see Ryngler, database schema of FIG. 48)
a user interface for interfacing with the database in a current situation;	Ryngler teaches the use of common user interfaces that are used with almost any computer based device (see Ryngler, paragraph 222)
a server for storing a uniform representation of the entities as at least one artificial intelligence frame, the at least one artificial intelligence frame describing at least one object and action involved in the situation in which the user has been involved and their relationship to each other; and	Eder 2 teaches the storage of a context frame. The frame comprises a combination of organization entities, organization level entities and context layers where said context layers include information about actions and the relationship between entities (see Eder 2, paragraphs 23 – 36)
a context modeler which models a context representation of the current situation using the at least one artificial intelligence frame so that when the context representation is applied to the database, operation of the database is adapted according to the current situation.	Eder 2 teaches using the context frame to model the current situation and applying said context frame to the operation of a plurality of applications (see Eder 2, paragraphs 23 – 36 and paragraphs 50 – 62)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/048,699 were apparently not considered. As a result, a large well-known company received a patent for an invention that does not appear to be novel.

42) U.S. Patent 7,630,986 (hereinafter "Herz") is well-known to those of average skill in the art. Herz matured from a patent application filed in 2000 and it describes a system for securely exchanging information about buyer characteristics and preferences with sellers of products and services. The Herz specification also describes the use of collaborative filtering

to combine the buyer characteristics and preferences with information about previous buyers to identify products and services that are likely to be of interest to buyers. As is well-known in the art, collaborative filtering identifies items of interest to buyers by assuming that people with similar characteristics and/or preferences will want similar things. As discussed under item number 2 of this attachment, SEAL teaches semantic similarity measures. SEAL also teaches the use of taxonomy and the measurement of similarity on the basis of attribute value pairs.

Examiners at the U.S.P.T.O. apparently did not consider Herz to be relevant to an application filed on behalf of Yahoo (11/601,449) in 2006 that relies on collaborative filtering to identify items of interest. The Yahoo applications rely on preferences identified via a rating to identify similar items for display. The application matured into U.S. Patent 7,584,171. A table containing a representative claim and the well-known prior art (Herz and SEAL) that was apparently not considered is shown below.

Claim map for 7,584,171, Herz and SEAL	
A method for implementing a collaborative-filtering based recommendation system for recommending one or more items among a plurality of items to a current user of a network, an item representing a product, service, webpage, audio, or article, the method comprising:	Herz describes the implementation of a collaborative filtering based recommendation system (see Herz, C1, L44 – 55)
producing a model using a plurality of documents generated for the plurality of items, each document representing an item and comprising item information describing the item, the item information being encoded as metadata into the document, the metadata comprising at least one attribute/value pair and taxonomy information describing the item, the model comprising a plurality of similarity measurements, each similarity measurement reflecting a level of similarity between two items in the plurality of items, wherein the level of similarity between two items is determined using the two documents representing the two items and is not based on user ratings of the two items;	SEAL teaches the use of taxonomy (see Seal, pages 5, 7, 9 and 15) and measuring the similarity of two documents on the basis of attribute value pairs (see Seal, page 23)

receiving a first rating of a first item from the current user; and determining the one or more recommended items by producing a predicated rating for each item in the plurality of items, the predicated rating of an item being produced using the received first rating and a similarity measurement, retrieved from the model, that reflects a level of similarity between the item and the first item.	*Herz describes the use of collaborative filtering to recommend items, similar to rated items (see Herz, C80, L40 - 51). In this case the selection of items is driven by the first item ranked and the similarity measure taught by SEAL to identify the new item or items (see prior references)*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/601,449 was apparently not considered. As a result, a large, well-known company received two patents for inventions that do not appear to be novel.

43) U.S. Patent 4,414,629 (hereinafter "Waite") is well-known to those of average skill in the art. Waite describes a method for structuring a field of data (i.e.,, battery failure data, chemical toxicity data, etc.) about a plurality of known objects so that the structured data can be used to support one or more predictions about a new, unknown object in the field (i.e.,, a new chemical, a new battery, etc.). Waite also teaches that the frequency distribution data from the plurality of known objects can be used to identify causal actions in a sequence of actions. U.S. Patent 7,219,100 (hereinafter "Gadamsetty") is also well-known to those of average skill in the art. Gadamsetty describes an invention that generates a tree from data.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Waite or Gadamsetty to be relevant to an application filed on behalf of SAS (11/701,806) that uses data about known entities to develop trees. The application matured into U.S. Patent 7,558,803 (SAS). A table containing a representative claim and the well-known prior art (Waite and Gadamsetty) that was apparently not considered is shown below.

Claim map for 7,558,803, Waite and Gadamsetty	
1. A computer-implemented method for constructing decision trees to predict target values, comprising:	*Waite teaches the development of data packages that support predictions using conventional tools such as trees*
executing instructions on a processor for receiving data containing descriptive data and target values;	*Waite teaches the receipt of data in a computer (coded data) containing descriptions and target values (see Waite C3, L6 – C4, l34)*
executing instructions on the processor for partitioning the target values into groups; wherein each group contains a subset of the target values;	*Waite teaches partitioning the data into groups on various parameters (see Waite, C4, L20)*
executing instructions on the processor for applying a rule induction engine to generate	*Waite teaches the development of rules for a target value for descriptive data (i.e.,,*

rules for each group based upon a subset of the descriptive data that is used for each group;	positions) from a data package which comprises a subset of the data (see Waite,C23, L25 – 28)
wherein the rule induction engine generates decision trees by using a modeling approach that includes a decision tree model approach, a neural network model approach, or a logistic regression model approach;	Waite teaches that treeing algorithms (see Waite C3, L48), neural networks and regression models (see Waite C3, L48) may be used in some cases to analyze data and make predictions (see Waite C19, L 68)
wherein the rules specify a relationship between the descriptive data and the target values in a group;	Waite teaches that rules specify a relationship between the descriptive data and the target values in a group (see Waite C23, L25)
wherein the rules are configured to predict target values;	Waite teaches the development of rules that are predictive (see Waite C23, L25 – 28)
executing instructions on the processor for generating, in a bottom-up manner, a decision tree for each of the groups;	Waite teaches the use of bottoms-up analysis (see Waite C17, L40)
wherein the generation in a bottom-up manner includes using the rule set of a group to generate leaf nodes of the decision tree for the group before generating the middle nodes and root node of the decision tree for the group;	Gadamsetty teaches the generation of new nodes in a tree (see Gadamsetty, claim 1 and C7, L40 - 45)
whereby the generated decision trees for each of the groups are used to output predicted target values for input data.	Waite teaches the use of trees to generate predictions (see Waite, C19, L68)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/701,806 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

44) U.S. Patent 7,296,734 (hereinafter "Pliha") is well-known to those of average skill in the art. Pliha describes a financial scoring system for forecasting the financial behavior of a bank customer holding a direct-deposit-account, commonly referred to as a checking account, to forecast the probability of being a cross sell or up sell acquisition candidate, a default candidate on a loan repayment account, a default candidate on a credit card payments, a default candidate on an off-line debit card transaction, an account closing, attrition, candidate, or a potential fraud candidate, such as money laundering. The financial scoring system can assist the bank in determining profitable and non-profitable account activity and customer groups. The financial behavior scoring will help banks to attract retailers to participate and co-sponsor marketing initiative based on the financial score achieved for a specific group of bank customers.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Pliha to be relevant to an application filed on behalf of Certegy (10/870,554) that uses customer scores to validate payments. The application matured into U.S. Patent 8,082,207. A table containing a representative claim and the well-known prior art (Pliha) that was apparently not considered is shown below.

U.S. Patent 8,082,207	Pliha (paragraph numbers refer to the published application)
1. A computer implemented method of validating a payment comprising:	*Pliha teaches a computer implemented method of generating a score As is well-known in the art a score can be used as the basis for validating a payment*
obtaining a first account identifier using a processor;	*Pliha teaches the extraction of an account identity using a processor (see Pliha, paragraph 54, published application)*
accessing a database containing a plurality of account identifiers and a plurality of risk scores associated with the plurality of account identifiers, the risk scores relating to a risk that a legitimate account holder of a payment account has insufficient funds in the payment account for a payment based on a decision tree analysis including a default history of the legitimate account holder and at least one of a number of unpaid payments, a number of paid payments, a maximum number of days a payment has been unpaid, a number of days a most recent unpaid payment has remained unpaid, or a number identifier for an issued payment;	*Pliha teaches accessing a database containing a plurality of customer information files that each contain one or more account identifiers and determining and assigning a weighted value to each cash transaction and demographic type stored in the database to predict and score customers financial behavior relative to the risk criteria established by a bank or retailer (see Pliha, paragraph 37 and claim 9 in issued patent). The score is based on analysis completed by a decision tree model (see Pliha, paragraph 1, paragraph 24 and FIG. 9). Information included in the risk score includes information on default including fees for insufficient funds and overdrafts (see Pliha, claim 1 in issued patent)*
obtaining from the database a first risk score associated with the first account identifier; comparing the first risk score with a risk threshold value; determining whether the payment is acceptable based on the comparison; and when the payment is acceptable, recording an acceptance of the payment using the processor.	*These steps comprise determination if the risk score is at an acceptable level, recording an acceptance and accepting payment when it is acceptable. Pliha teaches the determination of acceptable risk scores (see Pliha claim 9 in issued patent) and predicting financial behavior results based on said scores (see Pliha, claim 15 in issued patent). As is well-known in the art, said behavior predictions can be used to make a decision to accept or reject a payment.*

End result: Well-known prior art that would normally be used by someone of average skill in

the art to render obvious application 10/870,554 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

45) U.S. Patent 4,414,629 (hereinafter "Waite") is well-known to those of average skill in the art. Waite describes a method for structuring a field of data (i.e., battery failure data, chemical toxicity data, etc.) about a plurality of known objects so that the structured data can be used to support one or more predictions about a new, unknown object in the field (i.e., a new chemical, a new battery, etc.). Waite also teaches that the frequency distribution data from the plurality of known objects can be used to identify causal actions in a sequence of actions. U.S. Patent 7,219,100 (hereinafter "Gadamsetty") is also well-known to those of average skill in the art. Gadamsetty describes an invention that generates a tree from data.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Waite or Gadamsetty to be relevant to an application filed on behalf of SAS (11/701,806) that uses data about known entities to develop trees. The application matured into U.S. Patent 7,558,803 (SAS). A table containing a representative claim and the well-known prior art (Waite and Gadamsetty) that was apparently not considered is shown below.

Claim map for 7,558,803, Waite and Gadamsetty	
1. A computer-implemented method for constructing decision trees to predict target values, comprising:	*Waite teaches the development of data packages that support predictions using conventional tools such as trees*
executing instructions on a processor for receiving data containing descriptive data and target values;	*Waite teaches the receipt of data in a computer (coded data) containing descriptions and target values (see Waite C3, L6 – C4, l34)*
executing instructions on the processor for partitioning the target values into groups; wherein each group contains a subset of the target values;	*Waite teaches partitioning the data into groups on various parameters (see Waite, C4, L20)*
executing instructions on the processor for applying a rule induction engine to generate rules for each group based upon a subset of the descriptive data that is used for each group;	*Waite teaches the development of rules for a target value for descriptive data (i.e., positions) from a data package which comprises a subset of the data (see Waite,C23, L25 – 28)*
wherein the rule induction engine generates decision trees by using a modeling approach that includes a decision tree model approach, a neural network model approach, or a logistic regression model approach;	*Waite teaches that treeing algorithms (see Waite C3, L48), neural networks and regression models (see Waite C3, L48) may be used in some cases to analyze data and make predictions (see Waite C19, L 68).*
wherein the rules specify a relationship between the descriptive data and the target values in a group;	*Waite teaches that rules specify a relationship between the descriptive data and the target values in a group (see*

	Waite C23, L25)
wherein the rules are configured to predict target values;	Waite teaches the development of rules that are predictive (see Waite C23, L25 – 28)
executing instructions on the processor for generating, in a bottom-up manner, a decision tree for each of the groups;	Waite teaches the use of bottoms-up analysis (see Waite C17, L40)
wherein the generation in a bottom-up manner includes using the rule set of a group to generate leaf nodes of the decision tree for the group before generating the middle nodes and root node of the decision tree for the group;	Gadamsetty teaches the generation of new nodes in a tree (see Gadamsetty, claim 1 and C7, L40 - 45)
whereby the generated decision trees for each of the groups are used to output predicted target values for input data.	Waite teaches the use of trees to generate predictions (see Waite, C19, L68)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/701,806 was apparently not considered. As a result, a large, well-known company received a patent for inventions that do not appear to be novel.

46) U.S. Patent 6,278,981 (hereinafter "Dembo") is well-known to those of average skill in the art. Dembo describes a computer-implemented process for creating compressed portfolios that replicate the performance of the collection of instruments in a large and/or complex portfolio. In particular, a compressed portfolio is a portfolio that contains a relatively small number of relatively simple financial instruments that in aggregate behaves almost identically to a large and/or complex portfolio. A single instrument in the compressed portfolio may replicate the behavior of a plurality of instruments from different categories of value (i.e., options and stocks) and/or elements of value within the original portfolio. The compressed portfolio is used to support the analysis and management of portfolio risk.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Dembo to be relevant to an application filed on behalf of the New York Stock Exchange – Amex, LLC (11/529,812) that describes an invention for creating a hedging portfolio to replicate the performance of the basket of instruments contained in an exchange traded fund. In particular, a hedging portfolio contains instruments that behave similarly to the instruments contained in an exchange traded fund for the relevant risk factors. The hedging portfolio is used to support the management of risk for exchange traded funds. The application matured into U.S. Patent 7,747,512. A table containing a representative claim and the well-known prior art (Dembo) that was apparently not considered is shown below.

Claim map for 7,747,512 and 6,278,981	
A method of hedging investment risk in an actively managed exchange traded fund, comprising:	

determining factor information about the actively managed exchange traded fund holdings by a computer system, which measures sensitivities of a basket of securities containing at least a portion of the actively managed exchange traded fund holdings to factors that affect the value of the fund holdings;	*Dembo teaches that making use of the properties of the portfolio (i.e., risk factors) before sampling results in ... the compression of risk factor space and that the exploitation of these underlying properties leads to a compact representation of the portfolio (see Dembo, C5, L13 – 40)*
determining a first portfolio of financial instruments by the computer system; and	*Dembo teaches using a computer to determine a first portfolio of financial instruments (see Dembo, FIG. 3 and C7, L7 - 24)*
determining a second portfolio of financial instruments comprising a supplemental hedging portfolio by the computer system, wherein the second portfolio of financial instruments combined with the first portfolio of financial instruments results in a hedging portfolio with substantially the same sensitivities to the factors that affect the value of the actively managed exchange traded fund holdings as the actively managed exchange traded fund holdings, and wherein the hedging portfolio does not reveal the fund holdings;	*Dembo teaches determining a second, replication portfolio of financial instruments by the computer system, wherein the second portfolio of financial instruments results in a portfolio with substantially the same sensitivities to the factors that affect the value of the first portfolio holdings (see Dembo, C5, L35 – 40)*
wherein the specific securities in the actively managed exchange traded fund are unknown to an entity that uses the hedging portfolio as a basis for determining a hedge against an investment in one or more shares of the actively managed exchange traded fund.	*Dembo teaches that the replicating portfolio can be used as a basis for determining a hedge against the original portfolio (see Dembo, L46 – 53).*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/529,812 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

47) U.S. Patent 6,278,981 (hereinafter "Dembo") is well-known to those of average skill in the art. Dembo describes a computer-implemented process for creating compressed portfolios that replicate the performance of the collection of instruments in a large and/or complex portfolio. In particular, a compressed portfolio is a portfolio that contains a relatively small number of relatively simple financial instruments that in aggregate behaves almost identically to a large and/or complex portfolio. A single instrument in the compressed portfolio may replicate the behavior of a plurality of instruments from different categories of value (i.e., options and stocks) and/or elements of value within the original portfolio. The compressed portfolio is used to support the analysis and management of portfolio risk.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Dembo to be relevant to an application filed on behalf of the New York Stock Exchange – Amex, LLC (09/815,589) that describes an invention for creating a hedging portfolio to replicate the performance of the basket of instruments contained in an exchange traded fund. In particular, a hedging portfolio contains instruments that behave similarly to the instruments contained in an exchange traded fund for the relevant risk factors. The hedging portfolio is used to support the management of risk for exchange traded funds. The application matured into U.S. Patent 7,970,687. A table containing a representative claim and the well-known prior art (Dembo) that was apparently not considered is shown below.

Claim map for 7,970,687 and 6,278,981	
A system for producing a hedging basket of securities for an actively managed fund on an exchange comprising:	
a connection to a communications network; and	A connection to a communications network which is well-known in the art
a computer system including a processor, a memory executing computer instructions and a storage	A computer with processor, memory and storage which is well-known in the art
storing a computer program product with instructions extract factor information from the actively managed fund by the computer system and apply factor analysis to the extracted factor information producing the hedging basket of securities, where the hedging basket of securities tracks the actively managed fund closely enough over the course of a trading day that a trader manages investment risk in the actively managed fund and the hedging basket of securities does not reveal the fund assets, and the fund assets are not disclosed to the trader; and	Dembo teaches that making use of the properties of the portfolio (i.e., risk factors) leads to a compact representation of the portfolio (see Dembo, C5, L13 – 40) that tracks the performance of the portfolio closely enough to manage investment risk (see Dembo, C4, L18 - 34)
where the computer system sends the factor information or the hedging basket of securities to the trader.	Dembo teaches sending the factor information and/or the hedging basket of securities (see Dembo, C7, L 3 – 11 & C11, L25 - 35)

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/815,589 was apparently not considered. As a result, a large, well-known company received a patent for an invention that does not appear to be novel.

48) U.S. Patent Application 2005/0119959 (hereinafter "Eder 2") is well-known to those of average skill in the art. Eder 2 describes a system that develops frames for representing

context for an organization, part of an organization or a combination of organizations before using said context to support a plurality of context aware applications. The context comprises the measures performance situation which generally includes value and risk by segment of value for the entities in the frame. The segments of value of comprise the cash flow, real options, investments, derivatives and market sentiment. Eder 2 incorporated published U.S. Patent Application 2005/0119959 (hereinafter "Eder 3") by reference. Eder 3 teaches an innovative system for determining the impact of a project on the sponsoring organization's value and risk by segment of value. The segments of values of comprise the sponsor's forecast cash flow, the sponsor's real options, the sponsor's investments, the sponsor's derivatives and the sponsor's market sentiment.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Published U.S. Patent Applications Eder 2 and Eder 3 to be relevant to an application (11/589,563) filed on behalf of IBM. The application matured into U.S. Patent 7,881,956. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,881,956, Eder 2 (context) and Eder 3 (project)	
1. A computer implemented method for determining a risk/reward model for a service to be provided by a service provider to a serviced entity comprising:	*Eder 2 teaches the development of a risk/reward model for two or more entities*
receiving a service provider value function for the service from the service provider, the service provider value function being dependent on at least one service provider value parameter, the service concerns at least part of the serviced entity's information technology environment;	*Eder 2 teaches the development of a value function for an entity that is dependent upon at least one value parameter. Eder 3 teaches the analysis of services that have an impact on one or more entity elements (such as information technology) or factors*
receiving a serviced entity value function for the service from the serviced entity, the serviced entity value function being dependent on at least one serviced entity value parameter;	*Eder 3 teaches developing a value function for an entity that is dependent on at least one value parameter where said entity has at least one element or factor that is being modified*
receiving weighting values for both the serviced entity value function and the service provider value function;	*Eder 2 teaches the determination of a measure relevance said relevance would determine a weighting of two or more value functions*
receiving a serviced entity base case from the serviced entity, the serviced entity base case representative of the at least one serviced entity value parameter without provision of the service by the service provider;	*Eder 3 teaches the development of an entity base case representative of the entity value before an element or factor is modified*
receiving a set of projects and their interdependencies from the serviced entity,	*Eder 3 teaches receipt of a set of projects and their interdependencies where the*

the set of projects and their interdependencies being eligible to the service provider to perform, each project having a given impact on the at least one serviced entity value parameter or the at least one service provider value parameter;	expected impact of said projects on the value function of the entity receiving the impact is identified. Eder 2 teaches mapping said impacts to a context frame that may comprise two entities (i.e., serviced entity and service provider)
determining the risk/reward model through performing and optimizing a selection of the set of projects, resulting in a selection set, the performing and optimizing based on optimization criteria derived from the serviced entity value function, the weighting value for the serviced entity value function, the service provider value function, the weighting value for the service provider value function, the serviced entity base case, a risk share and/or a reward share between the service provider and the serviced entity, an active service time period of the service to be provided by the service provider, and a transition time period beginning right after the active service time period; and	Eder 2 in combination with Eder 3 teaches the determination of the risk reward model through optimizing the set of projects where said optimization criteria can comprise the value function of both the service provider and the serviced entity, the weighting value for the value functions, the base case, the split of rewards between entities at a certain time period
outputting a risk/reward line for the service to be provided relative to the at least one serviced entity value parameter, and the risk/reward line represents whether a reward or a penalty is accredited to the service provider depending on achieved results relative to the risk/reward line, the risk/reward line being derived from the risk/reward model.	Eder 2 in combination with Eder 3 teaches the output of a risk/reward line for the individual entities and the combined entities that is called the efficient frontier. The use of performance relative to the efficient frontier to determine a reward or penalty is a trivial and obvious modification to the calculations described above

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 11/276,497 were apparently not considered. As a result, a large well-known company received a patent for an invention that does not appear to be novel.

49) U.S. Patent Application 2005/0119959 (hereinafter "Eder 2") is well-known to those of average skill in the art. Eder 2 describes a system that develops frames for representing context for an organization, part of an organization, or a combination of organizations, before using said context to support a plurality of context aware applications. The context comprises the measures performance situation which generally includes value and risk by segment of value for the entities in the frame. The segments of value of comprise the cash flow, real options, investments, derivatives and market sentiment. Eder 2 incorporated published U.S. Patent Application 2005/0119959 (hereinafter "Eder 3") by reference. Eder 3 teaches an innovative system for determining the impact of a project on the sponsoring

organization's value and risk by segment of value. The segments of values of comprise the sponsor's forecast cash flow, the sponsor's real options, the sponsor's investments, the sponsor's derivatives, and the sponsor's market sentiment.

Evidence of an apparent lack of average skill in the relevant arts can be found by noting that Examiners at the U.S.P.T.O. did not consider Published U.S. Patent Applications Eder 2 and/or Eder 3 to be relevant to an application (12/129,780) filed on behalf of IBM. The application matured into U.S. Patent 7,899,695. A table containing a representative claim and the well-known prior art that was apparently not considered is shown below.

Claim map for 7,899,695, Eder 2 and Eder 3	
A computer program product comprising a non-transitory computer readable media having computer code thereon for determining a risk/reward model for a service to be provided by a service provider to a serviced entity by a method of:	*Eder 2 teaches the development of a risk/reward model for two or more entities*
receiving a service provider value function for the service, from the service provider, the service provider value function being dependent on at least one service provider value parameter;	*Eder 2 teaches the development of a value function for an entity that is dependent upon at least one value parameter. Eder 3 teaches the analysis of services that have an impact on one or more entity elements (such as information technology) or factors*
receiving a serviced entity value function for the service from the serviced entity, the serviced entity function being dependent on at least one serviced entity value parameter;	*Eder 3 teaches developing a value function for an entity that is dependent upon at least one value parameter where said entity has at least one element or factor that is being modified*
receiving weighting values for both the serviced entity value function and the service provider value function;	*Eder 2 teaches the determination of a measure relevance said relevance would determine a weighting of two or more value functions*
receiving a serviced entity base case from the serviced entity, the serviced entity base case representative of the at least one serviced entity value parameter without provision of the service by the service provider;	*Eder 3 teaches the development of an entity base case representative of the entity value before an element or factor is modified*
receiving a set of projects and their interdependencies from the serviced entity, the set of projects and their interdependencies being eligible to the service provider to perform, each project having a given impact on the at least one serviced entity value parameter and/or the at least one service provider value parameter;	*Eder 3 teaches receipt of a set of projects and their interdependencies where the expected impact of said projects on the value function of the entity receiving the impact is identified. Eder 2 teaches mapping said impacts to a context frame that may comprise two entities (i.e., serviced entity and service provider)*

determining the risk/reward model through performing a selection of the set of projects, resulting in a selection set, the performing based on optimization criteria derived from the serviced entity value function, the weighting value for the serviced entity value function, the service provider value function, the weighting value for the service provider value function, and the serviced entity base case; and	*Eder 2 in combination with Eder 3 teaches the determination of the risk reward model through optimizing the set of projects where said optimization criteria can comprise the value function of both the service provider and the serviced entity, the weighting value for the value functions, the base case, the split of rewards between entities at a certain time period*
outputting a risk/reward line for the service to be provided relative to the at least one serviced entity value parameter, the risk/reward line represents whether a reward or a penalty is accredited to the service provider depending on achieved results relative to the risk/reward line, the risk/reward line being derived from the risk/reward model.	*Eder 2 in combination with Eder 3 teaches the output of a risk/reward line for the individual entities and the combined entities that is called the efficient frontier. The use of performance relative to the efficient frontier to determine a reward or penalty is a trivial and obvious modification to the calculations described above*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 12/129,780 were apparently not considered. As a result, a large well-known company received a patent for an invention that does not appear to be novel.

1c) The table below identifies patents that were issued for inventions that appear to rely on one or more methods that are well-known by those of average skill in the art to have no utility.

Patent	Method	Evidence of a lack of utility
7,536,332	CAPM	FAMA and FRENCH, "The capital asset pricing model: theory and evidence"
7,672,889	DCF	Many issues associated with estimating a meaningful discount rate that are well-known in the art
7,912,769	CAPM	FAMA and FRENCH, "The capital asset pricing model: theory and evidence"

2) In accordance with 35 U.S.C. 3 the powers and duties of the United States Patent and Trademark Office are vested in an Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (referred to as the "Director"). The Director is generally responsible for providing policy direction and management supervision for the Office and for the issuance of patents and the registration of trademarks. In accordance with 35 U.S.C. 3 the Director is supposed to perform these duties in a fair, impartial, and equitable manner. The refusal to reexamine the 50 plus applications for which substantial new questions of

patentability were raised by the Petition is based on an apparent attempt by the respondent to characterize the allowance and issue of each of these patents as separate incidents rather than evidence of an apparent systemic failure to comply with the requirements of 35 U.S.C. 3.

Evidence of an apparent systemic failure to comply with the requirements of 35 U.S.C. 3 and an apparently profound bias in favor of large corporations comes from several sources that include, a) the allowance and issue of a number of patents to large corporation that appear to be obvious when well-known prior art is properly considered (see 1b, above); b) the use of prior art that should have been used to reject the patent applications of one or more large corporations that was used instead to reject an ARI patent application; c) rejections of ARI patent applications for lack of utility and/or non-statutory subject matter for inventions that provide results that are similar if not identical to those provided by inventions described in patents issued to large corporations; and d) the listing of ARI patent applications that would be issued as patents if the same standards used to review large corporation patents were used to review their claims.

2b) Examples of the use of prior art that should have been used to reject a large corporation patent application can be found by comparing the information in 1a) above which lists irrelevant, well-known prior art that is being used to reject ARI patent applications with 1b) which lists the well-known relevant art that was not cited during the review of large company patent applications. The table below provides several more specific examples.

"Missed" Prior Art	Large Corporation Patent(s)	Affected ARI applications
CAPM (5,812,988)	7,028,005	11/278,419, 12/271,846
Coupons (2001/0014868)	8,219,445	12/910,829
Leptokurtic Analysis	7,711,617	11/360,087
Scoring (7,296,734)	8,082,207	12/684,954
Search (6,012,053)	7,212,996	10/750,792
Value Based Management	7,912,769	09/764,068, 10/287,586

A detailed example of this practice is shown below:

Allowance of Large Corporation Application) U.S. Patent 6,012,053 (hereinafter "Pant") is well-known to those of average skill in the art. Pant describes a mechanism through which results from a search query are ranked according to user specified relevance factors to allow the user to control how the search results are presented. In particular, the Pant invention provides the user with the ability to assign weights to different attributes of the search results, generate a score for each item in the results using said weights and then present results ranked according to the score.

Evidence of an apparent failure to apply an average level of skill in the relevant arts can be found by noting that the U.S.P.T.O. personnel did not consider Pant to be relevant to an application filed on behalf of JP Morgan Chase (09/552,879) for an invention that allows the user to enter a set of criteria of their choice with desired ranges and a weighting factor to be applied to the criteria. The user criteria and weightings are used to define a match score that controls how the results are displayed. The application matured into U.S. Patent 7,212,996. A table containing a representative claim and the well-known prior art (Pant) that was

apparently not considered is shown below.

Claim map for 7,212,996 and 6,012,053	
1. A system having a computer memory and a processor for multivariable comparison of financial information, comprising:	*Preamble*
a first processor performing instructions for a client interface for a user to receive weightable search information, the weightable search information comprising <u>user-selected quantitative search criteria and user-selected weighting criteria</u>, the weighting criteria reflecting user-defined levels of importance for one or more of the quantitative search criteria; and	*Pant teaches that results from a search query are ranked according to <u>user-specified relevance factors</u> (corresponds to search criteria) <u>and weights</u> (see Pant, abstract, FIG. 1 and C1, L53 – 61)*
a second processor performing through a search interface, communicating with the client interface, the search interface interrogates at least one network-enabled information source according to the weightable search information to generate search results;	*Pant teaches the use of a server computer and the process performed by the server computer to receive and process a query and relevance factors from a client computer in order to produce relevancy ranked search results (see Pant, FIG. 3, C2, L47 - 54)*
wherein the financial information comprises a plurality of investment funds, each having multiple quantitative investment fund variables associated therewith;	*Pant teaches an invention that can be applied to any type of information (see Pant, C1, L5 – 10)*
the computer memory for storing the search results;	*Well-known computer memory*
the search interface compares the quantitative investment fund variables with the user-selected quantitative search criteria and the user-selected weighting criteria to generate search results comprising:	*Pant teaches a relevance determination module having a first input for receiving a set of search results from a query indicating items in the collection matching the query, a second input for receiving an indication of relevance factors specified by a user, and a third input for receiving information about the items in the set of search results to which relevance factors may be applied. This module has an output for providing an indication of a score indicative of relevance for each of the items in the set of search results (see Pant, C2, L29 – 38)*

a first set of investment funds that do not satisfy all of the user-selected quantitative search criteria, but which satisfy the overall user-defined criteria based on the combination of the user-selected weighting criteria and the user-selected quantitative criteria, wherein the search results indicate the level the search results match the weighted criteria;	*Pant teaches a sorting module that has an input which receives the score associated with each item and an indication of the set of search results, and an output providing to the user an indication of the items in the set of search results in an order ranked according to the relevance score of each item which is an indication of the level which the search results match the weighted criteria (see Pant, C2, L38 – 43)*
the search interface performs subsequent searches within stored results of a prior search to limit search results when existing search criteria values are revised;	*repeat of process described above for revised criteria*
the search interface performs other subsequent searches to interrogate at least one network-enabled information source to expand search results when criteria are added; and	*repeat of process described above for new criteria*
the search interface recalculates and represents the result indicators which indicate the level the search results match the weighted criteria.	*repeat of process described above*

End result: Well-known prior art that would normally be used by someone of average skill in the art to render obvious application 09/552,879 was apparently not considered. As a result, a patent was issued for an invention that does not appear to be novel.

ARI application rejection) *U.S. Patent 6,012,053 (hereinafter "Pant") is well-known to those of average skill in the art and was described previously. U.S. Patent 5,812,988 (hereinafter "Sandretto") is also well-known to those of average skill in the art. Sandretto describes an invention that combines asset cash flow forecasts and financial statement forecasts for assets with known cash flows with pre-determined risk return models in iterative loops to estimate actual asset values in a world where assets are completely independent and "efficiently priced". In particular, this invention relates to an iterative process to estimate a discount rate (and risk) for each of two or more assets in a portfolio with a known value.*

Evidence of an apparent failure to apply an average level of skill in the relevant arts can be found by noting that Pant and Sandretto were used as references by Examiner Siegfried Chencinski to reject Asset Reliance application 10/750,792 with claims for determining the impact of keywords on organization financial performance and using said impacts to calculate a value for each keyword. A table containing a representative claim and the well-known prior art (Pant and Sandretto) that is apparently being improperly used to support the rejection of at least some of the claims is shown below.

Claim map for 10/750,792, Pant and Sandretto	
A non-transitory program storage device readable by a computer, tangibly embodying a program of instructions executable by at least one computer to perform data processing steps, comprising:	Preamble
preparing a plurality of data from a plurality of organization related systems, a user input and an Internet for processing,	Not disclosed
obtaining one or more keywords and a set of classification rules for each keyword from a user,	Not disclosed - "keyword" is not mentioned a single time in Pant (or Sandretto)
searching for one or more keyword matches on the Internet,	Not disclosed - "keyword" is not mentioned a single time in Pant (or Sandretto)
storing one or more locations for each keyword match found during the search of the Internet,	Not disclosed - "keyword" is not mentioned a single time in Pant (or Sandretto)
counting and classifying said matches from each stored location for each keyword,	Not disclosed - "keyword" is not mentioned a single time in Pant (or Sandretto)
transforming said counts for each keyword into one or more performance indicators and a summary of said performance indicators for each keyword,	Not disclosed - "keyword" is not mentioned a single time in Pant (or Sandretto)
developing a model of an organization financial performance by a category of value from the prepared data that utilizes the summaries for each keyword as an input, and	Not disclosed - "keyword" is not mentioned a single time in Pant (or Sandretto)
quantifying and outputting a contribution of each of the one or more keywords to the organization financial performance by the categories of value using said model of organization financial performance	Not disclosed - "keyword" is not mentioned a single time in Pant (or Sandretto)
where the keyword performance indicators are linked together when they are not independent.	Not disclosed - "keyword" is not mentioned a single time in Pant (or Sandretto)

Pant and Sandretto do not map to the claimed invention as they simply do not teach or suggest most of the claimed processing steps. Sandretto teaches away from the claim as a whole by teaching a method that requires known cash flows at the item level, that teaches that real

options do not need to be analyzed and that implicitly assumes market sentiment does not exist (see Sandretto, C2, L60 – 65 and C18, L29 – 30). By way of contrast, in the claimed invention the cash flow, real option and market sentiment impact of the elements of value are unknown. It should also be noted that Sandretto does not teach or suggest developing a model of an organization financial performance by a category of value from the prepared data that utilizes the summaries for each keyword as an input. In fact Sandretto teaches away by teaching an exclusive focus on cash flow/earnings (see Sandretto, C2, L60 – 65).

End result: Well-known prior art is being used to support the apparently improper rejection of Asset Reliance patent application 10/750,792. As a result, a novel invention has not received the patent protection it is entitled to receive under the law.

2c) Further evidence of an apparent failure to comply with the requirements of 35 U.S.C. 3 and of an apparently systemic bias in favor of large corporations can be found in the ARI application rejections received since the Petition was filed where the rejections asserted a lack of utility and/or non-statutory subject matter for inventions that provide results that are similar if not identical to those provided by inventions described in patents issued to large corporations. The ARI applications that have received said rejections include:

Patent application	Results	Allowed patent(s) with similar results
10/750,792	Valuations for elements of value and keywords	8,060,397
11/278,419	Measure risks for specific scenarios	8,010,387 and 8,050,951
12/271,846	Identify scenarios for measuring risk	7,469,227

2d) Further evidence of an apparent failure to comply with the requirements of 35 U.S.C. 3 and of an apparently systemic bias in favor of large corporations can be found in the lists of ARI patent applications that apparently would have been issued if the same standards used to review large corporation patent applications were used during the review of the ARI patent applications.

List # 1 - The U.S.P.T.O. issued U.S. Patent 8,255,346 to IBM on August 28, 2012. The application that matured into this patent was filed in November 11, 2009 and received first Office Action notice of allowance. U.S. Patent 8,255,346 describes an invention for using regression analyses to select one or more variable groups from a set of data that minimize the residual error in a series of predictive models. The twenty ARI applications listed below would apparently have issued as patents if they had been examined under the same standards used during the prosecution of U.S. Patent 8,255,346 as they all describe inventions that rely on similar processing: 08/999,245*; 09/688,983; 09/761,670; 09/764,068; 09/938,874*; 10/025,794; 10/287,586; 10/645,099*; 10/743,417; 10/748,890; 10/750,592; 11/142,785; 11/167,685*; 11/278,419; 11/278,425; 11/360,087; 12/185,093*; 12/271,846; 12/684,954; and 12/910,829.

* ARI applications that appear to have been improperly declared abandoned

Kindly note: the IBM patent application received a first Office Action notice of allowance while the 20 ARI applications that complete similar processing have received over 50 rejections.

List # 2 – The U.S.P.T.O. issued U.S. Patent 7,673,282 to IBM on March 2, 2010. The application that matured into this patent was filed on November 22, 2002. U.S. Patent 7,673,282 describes an enterprise information unification system including an information modeler for modeling business entities. ARI application 09/940,450 would apparently have issued as a patent if it had been examined under the same standards used during the prosecution of U.S. Patent 7,673,282 as it describes and invention that completes similar processing.

3) The rejection of the request to suspend prosecution was improper because it implicitly assumes that the requested relief could not be provided in six months. The Petition requested suspension of prosecution until such time as the Petition could be reviewed. Prompt action would have allowed the Petition to be reviewed in the six month time window cited by the respondent. As it is the respondent waited 20 months to say the request was improper because it could last for more than six months. The amended request for relief contained herein eliminates this potential problem.

Summarizing the above discussion the reclassification of the January 7, 2011 Petition from 37 CFR 1.182 to 37 CFR 1.181 and the subsequent dismissal was improper because:

a) The reclassification and dismissal attempts to reduce the large general problems identified in the Petition to two of the apparent symptoms of these problems that could be addressed through established mechanisms (if the larger problems are ignored). As documented herein, neither of the suggested mechanisms can adequately address the large general problems documented in the Petition;

b) The proposed solution contained in the dismissal appears to be inequitable and appears to place heavy financial and timeliness burdens on ARI in order to compensate for an apparent failure to provide an organization capable of consistently prosecuting patent applications in accordance with the relevant statutes, rules and precedents; and

c) The proposed solution contained in the dismissal apparently fails to provide ARI and the ARI patent applications with the Constitutionally mandated equal protection under the law.

Furthermore, and as detailed above, the dismissal under 37 CFR 1.181 was improper because:

a) It implicitly attempts to characterize the unwarranted rejection of ARI patent applications as rejections of the type that normally supposed to occur during patent prosecution. In making this attempt, the respondent appears to have failed to properly consider the role the U.S.P.T.O. is supposed to play in patent examination and the apparent contents of the papers used to support the rejection of ARI patent applications. In particular, the arguments contained in many if not all rejections of ARI patent applications appear to make it clear that the personnel at the U.S.P.T.O. do not have the level of skill required to consistently complete a statutory patent examination in the classes where ARI applications assigned. In a similar manner the allowance of many large

corporation patent applications also appears to make it clear that the personnel at the U.S.P.T.O. do not have the level of skill required to consistently complete a statutory patent examination for the classes where those patents were assigned;

b) It also seems to attempt to characterize the allowance and issue of each of the 50 plus patents that had substantial new questions regarding patentability raised by the petition as separate incidents, rather than evidence of an apparently profound and systemic failure to comply with the requirements of 35 U.S.C. 3; and

c) It implicitly assumes that the requested relief could not be provided in six months. The amended request for relief contained herein eliminates this potential problem.

REQUEST FOR RELIEF

With this paper the Assignee requests the following relief under the provisions of 37 CFR 1.182 in place of the relief requested in the Petition filed January 7, 2011, as amended:

1. The immediate grant of notices of allowance for ARI applications 08/999,245*; 09/688,983; 09/761,670; 09/764,068; 09/938,874*; 09/940,450; 10/025,794; 10/287,586; 10/645,099*; 10/743,417; 10/748,890; 10/750,592; 11/142,785; 11/167,685*; 11/278,419; 11/278,425; 11/360,087; 12/185,093*; 12/271,846; 12/684,954; and 12/910,829;   *ARI applications that appear to have been improperly declared abandoned

2. The immediate suspension of prosecution for ARI applications 13/517,631; 13/548,095; 13/548,104; 13/551,578; 13/555,047; 13/557,836; 13/591,426; 13/632,005; 13/651,435; and 13/652,459 for six months or until such time as the U.S.P.T.O. can train and/or hire personnel with the requisite level of skill in the art and objectivity required to complete consistent statutory patent examinations (whichever is shorter) for the classes where said applications are assigned;

3. The immediate written notification to ARI if and when U.S.P.T.O. management determines that it will not be able to meet the six month deadline for item 2 above; and

4. The expedited examination of the forty-nine patents listed in section 1b) of this paper and the two patents listed in section 2d) of this paper in accordance with the current statutes, rules and precedents.

A fee of $400 is required for this filing. Said fee has been paid at the time of filing.

Respectfully submitted,
Asset Reliance, Inc.

/BJ Bennett/

B.J. Bennett, President
Date: October 21, 2012